



REPUBLIC OF KENYA



**Kibisu v Republic (Miscellaneous Criminal Application
10 of 2022) [2023] KEHC 2804 (KLR) (24 March 2023) (Ruling)**

Neutral citation: [2023] KEHC 2804 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT VIHIGA
MISCELLANEOUS CRIMINAL APPLICATION 10 OF 2022**

WM MUSYOKA, J

MARCH 24, 2023

(FORMERLY KAKAMEGA HC MISC. CRIMINAL APPLICATION NO. 66 OF 2020)

BETWEEN

ANORD KIBISU APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The application for determination is the motion, undated, but filed herein on November 18, 2020. The motion does not state what is sought, but the affidavit in support indicates that the applicant seeks for leave to appeal out of time. The applicant explains that he had instructed an advocate to pursue an appeal on his behalf, but the family was unable to raise his fees, hence the delay.
2. The matter has been mentioned several times, before several judges. The respondent does not oppose the motion for grant of leave to file appeal out of time, going by what Ms Chala, for the respondent, informed the court on May 24, 2022.
3. Consequently, I do hereby grant leave to the applicant, Anord Kibisu, to file appeal out of time, in respect of the conviction and sentence in Hamisi PMCCRC No 731 of 2017. He has 30 days to file appeal. I direct the Deputy Registrar to notify him accordingly, through the Kenya Prisons Service. It is so ordered.

DELIVERED, DATED AND SIGNED AT KAKAMEGA ON THIS 24TH DAY OF MARCH 2023

WM MUSYOKA

JUDGE

Mr. Erick Zalo, Court Assistant.



Anord Kibisu, the applicant, in person.

Ms. Kagai, instructed by the Director of Public Prosecutions, for the respondent.

