



**Osalo v Republic (Criminal Miscellaneous Application  
E011 of 2024) [2025] KEHC 454 (KLR) (17 January 2025) (Ruling)**

Neutral citation: [2025] KEHC 454 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT SIAYA  
CRIMINAL MISCELLANEOUS APPLICATION E011 OF 2024**

**DK KEMEI, J  
JANUARY 17, 2025**

**BETWEEN**

**OSCAR OTIENO OSALO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

**Court**

1. I have perused the Applicant’s application dated 22/1/2024 together with the affidavit in support thereof. It is noted that the murder case was finalized on 22/11/2023 and that the Applicant has not filed the appeal within the requisite 14 days.
2. However, the explanation on the delay in the absence of a response by the Respondent is found to be reasonable and plausible. No prejudice will be suffered by the Respondent if the Applicant is allowed to lodge his appeal out of time. It is the right of the Applicant to access justice pursuant to Article 48 and 50 of *the Constitution*. I find merit in the application and I allow the same as prayed. The Notice of Appeal is hereby endorsed and that the Deputy Registrar is ordered to transmit the same to the Court of Appeal Registry. The Applicant will thereafter receive directions from the Court of Appeal Registry. This file is marked closed.

**DATED AND DELIVERED AT SIAYA THIS 17<sup>TH</sup> DAY OF JANUARY 2025.**

**D. KEMEI**

**JUDGE**

