



**Owuor v Republic (Miscellaneous Criminal Application
E115 of 2024) [2025] KEHC 524 (KLR) (17 January 2025) (Ruling)**

Neutral citation: [2025] KEHC 524 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
MISCELLANEOUS CRIMINAL APPLICATION E115 OF 2024**

**DK KEMEL, J
JANUARY 17, 2025**

BETWEEN

WILLIAM ATTITO OWUOR APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant herein has filed the present application dated 23/9/2024 seeking for leave to lodge appeal out of time against the conviction and sentence by Hon. B. Limo dated 22/8/2024. His gravamen is inter alia; that he is a pauper; that he was not aware of the stringent consequences of failing to appeal within 14 days; that due to interacy on matters of law he was late in lodging his appeal.
2. I have considered the application. It is not in dispute that the Applicant was convicted and sentenced by the trial court on 22/8/2024 over an offence of defilement contrary to Section 8(1) as read with Section 8(3) of the *Sexual Offences Act* to 20 years imprisonment vide Siaya CMC Cr. SO No. E053 of 2022. It is not in dispute that the Applicant herein had filed Misc. Cr. Application No E050 of 2022 seeking for leave to lodge appeal out of time from conviction and sentence of the Chief Magistrates Court at Siaya in Criminal Case No. E014 of 2022. It is not in dispute that the Applicant subsequently lodged HCRA No. E017/2022 which was later allowed by Aburili J, who ordered for a retrial of the Applicant and which led to the Siaya CM Cr. S.O NO. E053 of 2022. It is not in dispute that the station provided for 14 days to lodge appeal had since elapsed. The Applicant has been late for about one month. Due to challenges faced by prisoners especially those acting in person, I am persuaded that the Applicant merits to be given time to lodge his appeal. I find that no prejudice will be suffered by the Respondent if the Applicant is allowed to appeal out of time so as to enable him ventilate his appeal.
3. In the result, I find merit in the Applicant's application dated 23/9/2024. The same is allowed. The Applicant is granted leave to file Petition of Appeal and serve the office of the Director of Public Prosecutions (ODPP) within 14 days of today's failing which the leave shall lapse. File is closed.



DATED AND DELIVERED AT SIAYA THIS 17TH DAY OF JANUARY, 2025.

D. KEMEI

JUDGE

In the presence of:

William Atito Awuor.....Applicant

M/s Kerubo.....for Respondent

Mboya.....Court Assistant

