



**Songa v Republic (Criminal Miscellaneous Application
E243 of 2024) [2025] KEHC 6330 (KLR) (21 May 2025) (Ruling)**

Neutral citation: [2025] KEHC 6330 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL MISCELLANEOUS APPLICATION E243 OF 2024**

A MABEYA, J

MAY 21, 2025

BETWEEN

KENNEDY AMONGO SONGA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. On 22/11/2022, the applicant was convicted of the offence of defilement contrary to section 8(1) as read with section 8(3) of the *Sexual Offences Act*. He was sentenced to 20 years' imprisonment.
2. After 2 years, he has come to court applying for leave to file an appeal out of time. Although there has been unreasonable and inordinate delay, the Court has considered that the applicant has been in custody throughout that period. He may not have been accorded facilities for legal representation.
3. Further, the sentence is severe and the State is not opposed to the extension of time sought.
4. In view thereof, I allow the application dated 5/9/2024. The applicant is granted leave to file a Petition of Appeal within 30 days of today.
5. This file is marked as closed.

It is so ordered.

DATED AND DELIVERED AT KISUMU THIS 21ST DAY OF MAY, 2025.

A. MABEYA, FCI Arb

JUDGE

