



**Nyasimi v Republic (Criminal Miscellaneous Application  
E074 of 2025) [2025] KEHC 7677 (KLR) (5 June 2025) (Ruling)**

Neutral citation: [2025] KEHC 7677 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
CRIMINAL MISCELLANEOUS APPLICATION E074 OF 2025**

**A MABEYA, J**

**JUNE 5, 2025**

**BETWEEN**

**BRIAN NYASIMI ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. On 17/4/2025, the applicant was convicted of robbery with violence contrary to section 296 (2) of the *Penal Code*, Cap 63 Laws of Kenya. He was sentenced to 10 years' imprisonment.
2. By undated Motion lodged on 21/5/2025, he has come to Court applying for leave to file an appeal out of time. There has been no unreasonable and inordinate delay. The Court has considered that the period of delay is less than a month. The applicant 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 undated Notice of Motion. 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 5<sup>TH</sup> DAY OF JUNE, 2025.**

**A. MABEYA, FCI Arb**

**JUDGE**

