



**Kipkoech v Republic (Miscellaneous Criminal Application  
E090 of 2024) [2025] KEHC 9758 (KLR) (4 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 9758 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT ELDORET  
MISCELLANEOUS CRIMINAL APPLICATION E090 OF 2024**

**RN NYAKUNDI, J**

**JULY 4, 2025**

**BETWEEN**

**WILSON KIPKOECH ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. Before this court is an application dated 12<sup>th</sup> day of August 2024 seeking the following orders:
  - a. That this court be pleased to grant leave to appeal out of time as pauper.
  - b. That the filed petition grounds of appeal be considered.
  - c. That any other order the court may deem fit.
  - d. That this application is grounded / supported by the annexed affidavit of Wilson Kipkoech, upon such other grounds to be adduced, during the hearing of this application.
2. In support of the application, the applicant swore an affidavit in which he made averments as follows:
  - a. That I am a Kenyan male, of sound of mind, adult and duly competent to swear this oath
  - b. That I was charged with the offence of defilement contrary to section 8 (1) (2) of the [sexual offences act](#) no. 3 of 2006 and sentenced to life imprisonment vide criminal case no. 150 at Eldoret law court
  - c. That my first appeal was dismissed by Hon. H. A. Omondi on the 04/04/2019 vide HCCRA no. 3 of 2014
  - d. That I proffered my appeal immediately after the 1<sup>st</sup> appeal was dismissed and later transferred to Kamiti prison hence could not make a follow-up on the same.



- e. That I do beg leave to be allowed to file this appeal out of time
- f. That this appeal has very high chances of success if heard and determined.
- g. That I am pauper hence not in position to raise the required fee.

**Decision**

- 3. From the application it is important to take cognizance of the fact that his appeal to this court referenced HCCRA No. 3 of 2014 was heard and determined by Omondi J as she then was hence no leave to appeal can be entertained by this same court. The application for enlargement of time is therefore dismissed under section 382 of the [CPC](#).

**SIGNED, DATE AND DELIVERED AT ELDORET THIS 4<sup>TH</sup> DAY OF JULY 2025**

**R. NYAKUNDI**

**JUDGE**

M/s Sidi for the State

