



**DOO v Republic (Miscellaneous Criminal Application
E022 of 2024) [2024] KEHC 3756 (KLR) (19 April 2024) (Ruling)**

Neutral citation: [2024] KEHC 3756 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E022 OF 2024**

**RE ABURILI, J
APRIL 19, 2024**

BETWEEN

DOO APPLICANT

AND

REPUBLIC RESPONDENT

*(From the original conviction and sentence in Senior Principal Magistrate's
Court Criminal Sexual Offences Case No E074 of 2021 at Maseno)*

RULING

1. I have considered the application dated 3rd March 2024 seeking leave of court to file an appeal out of time.
2. The Applicant Daniel Otieno Owiti was convicted and sentenced to serve Fifteen (15) years for the offences of defilement contrary to Section 8(1) and 8(3) of the [Sexual Offences Act](#) and deliberate transmission of HIV Contrary to Section 26 (1) of the [Sexual Offence Act](#).
3. He claims that the delay to file appeal was occasioned by his family who promised to get him a lawyer in vain.
4. Despite the delay from 5th January 2023, the Applicant deserves a chance to challenge his conviction and sentence.
5. I grant the Applicant leave to file and file an appeal out of time.
6. The appeal to be filed and served within 14 days of today.
7. Signal to issue.
8. File closed.



9. I so order.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 19TH DAY OF APRIL, 2024

R. E. ABURILI

JUDGE

