



**Hassan v Republic (Miscellaneous Criminal Application
E026 of 2024) [2024] KEHC 3750 (KLR) (19 April 2024) (Ruling)**

Neutral citation: [2024] KEHC 3750 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E026 OF 2024**

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

BETWEEN

BATON ASANGA HASSAN APPLICANT

AND

REPUBLIC RESPONDENT

*(From the original conviction and sentence in the Chief Magistrate's
Court Criminal Sexual Offences Case No. E006 of 2022 at Kisumu)*

RULING

1. On 26th January 2023, the Applicant herein Baton Asanga Hassan was convicted and sentenced to serve life imprisonment for the offence of defilement contrary to Section 8 (1) as read with Section 8 (2) of the *Sexual Offences Act* by Hon. W. K. Onkunya, SRM.
2. He applies for leave to appeal out of time saying he delayed because he did not get copies of the proceedings and judgment in Kisumu Chief Magistrate Criminal Case No. E006 of 2022.
3. I have considered the application and supporting affidavit. Despite the delay, which is explained, justice can still be served as the Convict was handed life in prison and it is only fair and just that he is heard on appeal as desired.
4. I exercise discretion and grant the Applicant Baton Asanga Hassan leave to appeal out of time.
5. The intended appeal to be filed and served within fourteen (14) days of today.
6. Signal to issue
7. This file is closed.
8. I so order.



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

R. E. ABURILI

JUDGE

