



**Kola v Republic (Miscellaneous Criminal Application
E029 of 2024) [2024] KEHC 3751 (KLR) (19 April 2024) (Ruling)**

Neutral citation: [2024] KEHC 3751 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E029 OF 2024**

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

BETWEEN

GEORGE ODHIAMBO KOLA APPLICANT

AND

REPUBLIC RESPONDENT

*(From the original conviction and sentence in the Senior Principal
Magistrate's Court Criminal Sexual Offences Case No. 58 of 2020 at Winam)*

RULING

1. The Applicant George Odhiambo Kola seeks leave of court to file an appeal out of time from Winam Senior Principal Magistrate Sexual Offences Case No. 58 of 2020 from the Judgment and sentence imposed on 18th November 2022 for the offence of defilement contrary to Section 8 (1) as read with Section 8 (3) of the [Sexual Offences Act](#) wherein he was sentenced to serve Fifteen (15) years imprisonment.
2. He claims that the delay in filing the appeal was due to lack of an advocate and non-availability of court proceedings.
3. I have considered the application and I find that despite the delay which is explained, the Applicant/Convict deserves justice through an appeal process as he was unrepresented in the lower court.
4. I grant the convict/applicant George Odhiambo Kola leave to appeal out of time.
5. An appeal to be filed and served within fourteen (14) days of today.
6. Signal to issue.
7. File closed.



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

R. E. ABURILI

JUDGE

