



REPUBLIC OF KENYA



**Aoko v Republic (Miscellaneous Criminal Application
E054 of 2024) [2024] KEHC 5022 (KLR) (9 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 5022 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E054 OF 2024**

RE ABURILI, J

MAY 9, 2024

BETWEEN

KEVIN OMONDI AOKO APPLICANT

AND

REPUBLIC RESPONDENT

*(From the original conviction and sentence in the Chief
Magistrate's Court Sexual Offences Case No. 1 of 2018 at Kisumu))*

RULING

1. The applicant Kevin Omondi Aoko is a convict *vide* Kisumu Chief Magistrate Sexual Offences Case No. 01 of 2018.
2. He claims that he was convicted on January 29, 2024 and that he could not meet the 14 days' dateline for appealing as his family members promised to engage him a lawyer in vain.
3. From the warrant of commitment to prison dated January 29, 2024 annexed, he was convicted of the offence of defilement contrary to section 8(1) as read with section 8(3) of the [Sexual Offences Act](#) and sentenced to serve 15 years' imprisonment.
4. The delay is not inordinate considering that the convict is in prison and is self-represented.
5. I grant leave to the convict Kevin Omondi Aoko to file his appeal out of time from Kisumu Chief Magistrate Sexual Offences Case No. 01 of 2018.
6. The appeal shall be filed within 14 days of today.
7. Signal to issue.
8. File closed.



DATED, SIGNED AND DELIVERED AT KISUMU THIS 9TH DAY OF MAY, 2024

R. E. ABURILI

JUDGE

