



REPUBLIC OF KENYA



**Mwambich v Republic (Miscellaneous Criminal Application  
E070 of 2024) [2024] KEHC 5702 (KLR) (21 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 5702 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
MISCELLANEOUS CRIMINAL APPLICATION E070 OF 2024**

**RE ABURILI, J**

**MAY 21, 2024**

**BETWEEN**

**HUMPHREY MWAMBICH ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(From the original conviction and sentence in the Senior Principal  
Magistrate's Court Criminal Case No. 460 of 2023 at Winam)*

**RULING**

1. I have considered the application dated 6<sup>th</sup> May 2024 by the Applicant Convict Humphrey Mwambich seeking leave to appeal out of time.
2. The Applicant claims that he was convicted on 15<sup>th</sup> April 2024 and sentenced to serve 15 years imprisonment for the offence of Robbery with violence contrary to Section 296 (2) of the [Penal Code](#) vide Winam SPM Criminal Case No. E460 of 2023.
3. The delay is not inordinate. I grant leave to the applicant to file an appeal out of time from Winam SPM Criminal Case No. E460 of 2023.
4. The appeal shall be filed within 14 days of today.
5. This file is closed.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 21<sup>ST</sup> DAY OF MAY, 2024**

**R. E. ABURILI**

**JUDGE**

