



**Nicholas v Republic (Miscellaneous Criminal Application
E056 of 2024) [2024] KEHC 5142 (KLR) (9 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 5142 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E056 OF 2024**

RE ABURILI, J

MAY 9, 2024

BETWEEN

JOHN ONDERA NICHOLAS APPLICANT

AND

REPUBLIC RESPONDENT

*(From the original conviction and sentence in the Senior Principal Magistrate's
Court Criminal Sexual Offences Case No. E002 of 2020 at Winam)*

RULING

1. The Applicant John Ondera Nicholas is a convict in Winam SPM Sexual Offences Case No. E002 of 2020. He was sentenced to serve life imprisonment for the offence of defilement contrary to Section 8(1) as read with Section 8(3) of the *Sexual Offences Act*.
2. He appealed to this court *vide* HCCRA No. E052 of 2023 but the appeal was struck out as it was filed out of time without leave of court.
3. He has now come to seek for extension of time to file the said appeal.
4. I grant leave to the convict to file his appeal within 14 days of today.
5. Signal to issue.
6. File closed.

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

R. E. ABURILI

JUDGE

