



REPUBLIC OF KENYA



**Ochieng v Republic (Miscellaneous Criminal Application
E055 of 2024) [2024] KEHC 5021 (KLR) (9 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 5021 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E055 OF 2024**

RE ABURILI, J

MAY 9, 2024

BETWEEN

VINCENT ONYANGO OCHIENG APPLICANT

AND

REPUBLIC RESPONDENT

*(From the original conviction and sentence in the Senior Principal
Magistrate's Court Sexual Offences Case No. E054 of 2024 at Winam)*

RULING

1. The Applicant Vincent Onyango Ochieng is a convict in Winam SPM Sexual Offences Case No. E054 of 2024. He was sentenced to serve 30 years imprisonment on an undisclosed date for the offence of defilement contrary to Section 8(1) as read with Section 8(2) of the [Sexual Offences Act](#).
2. He seeks leave to appeal out of time.
3. Despite the omission in the date of conviction or sentence, the case being a 2024 case, the delay in filing the appeal is not inordinate.
4. I allow the application dated 23rd February 2024 and grant leave to the Applicant to file his Petition of Appeal out of time, to ventilate his grievance.
5. The appeal to be filed and served within 14 days of today.
6. Signal to issue. This file is closed.

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

R. E. ABURILI

JUDGE

