



**Opel v Republic (Miscellaneous Criminal Application  
E053 of 2024) [2024] KEHC 5029 (KLR) (9 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 5029 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
MISCELLANEOUS CRIMINAL APPLICATION E053 OF 2024**

**RE ABURILI, J**

**MAY 9, 2024**

**BETWEEN**

**COLLINS MWALO OPEL ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(From the original conviction and sentence in the Senior Principal  
Magistrate's Court Sexual Offences Case No. E003 of 2019 at Winam)*

**RULING**

1. The Applicant Collins Mwalo Opel is a convict in Winam SPM Sexual Offences Case No. E003 of 2019 where he was sentenced to serve 50 years' imprisonment 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 from 7<sup>th</sup> October 2022 date of conviction. There is inordinate delay with no explanation. He is however self-represented and therefore despite the delay, justice can still be served. I grant leave to the Applicant Collins Mwalo Opel to appeal out of time.
3. The appeal to be filed and served within 14 days of today.
4. Signal to issue. File is closed.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 9<sup>TH</sup> DAY OF MAY, 2024**

**R. E. ABURILI**

**JUDGE**

