



**Ochieng v Republic (Miscellaneous Criminal Application  
E018 of 2024) [2024] KEHC 4724 (KLR) (7 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 4724 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
MISCELLANEOUS CRIMINAL APPLICATION E018 OF 2024**

**RE ABURILI, J**

**MAY 7, 2024**

**BETWEEN**

**FRANCIS OCHIENG ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(From the original conviction and sentence in the Senior Principal  
Magistrate's Court Criminal Case No. 138 of 2022 at Maseno)*

**RULING**

1. The convict is Francis Ochieng. He was sentenced on 22<sup>nd</sup> April 2022 to serve 14 years' imprisonment for the offence of Burglary and Stealing, consecutive years each count bearing 7 years by Maseno Senior Principal Magistrate's court.
2. He now applies for leave to appeal out of time as he did not have a lawyer and that he intends to challenge the consecutive sentences.
3. I have considered the application and the grounds. The convict is in prison and self-represented.
4. Despite the delay in filing of the appeal and this application, I exercise discretion and allow the application, to enable him ventilate his grievance over the two consecutive sentences imposed on him. The appeal shall be filed within 14 days of today. Signal to issue. This file is closed.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 7<sup>TH</sup> DAY OF MAY, 2024**

**R. E. ABURILI**

**JUDGE**

