



**Ochieng v Republic (Miscellaneous Criminal Application
E087 of 2024) [2024] KEHC 7369 (KLR) (11 June 2024) (Ruling)**

Neutral citation: [2024] KEHC 7369 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E087 OF 2024**

**RE ABURILI, J
JUNE 11, 2024**

BETWEEN

GEOFFREY OCHIENG APPLICANT

AND

REPUBLIC RESPONDENT

*(From the original conviction and sentence in the Senior Principal
Magistrate's Court Criminal Sexual Offences Case No. E024 of 2022 at Tamu)*

RULING

1. I have perused the application dated 22nd May 2024 seeking leave of this court to appeal out of time from the conviction and sentence of the applicant Geoffrey Ochieng in Tamu SPM Sexual Offences Case No. E024 of 2022 on 1st March 2023.
2. I have considered the grounds and supporting affidavit. The Applicant was sentenced to serve life imprisonment upon conviction for the offence of defilement contrary to Section 8(1) as read with Section 8(2) of the *Sexual Offences Act*, as per the warrant of commitment to prison sentence attached.
3. He was self-represented and despite the delay in filing the appeal for over one year, the right of appeal being a guaranteed right, the applicant deserves the opportunity to ventilate his grievances before this court considering the sentence imposed is irreversible without him trying his chance on appeal.
4. I allow the application dated 22nd May 2024. I grant the Applicant leave to appeal out of time.
5. The appeal to be filed within 14 days of service of this order on the Applicant through Kisumu Maximum Prison authorities.
6. This file is closed.
7. I so order.



DATED, SIGNED AND DELIVERED AT KISUMU THIS 11TH DAY OF JUNE, 2024

R. E. ABURILI

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JUDGE

I certify that this is a true copy of the original

Signed

DEPUTY REGISTRAR

