



**Odero v Republic (Miscellaneous Criminal Application
E086 of 2024) [2024] KEHC 7289 (KLR) (11 June 2024) (Ruling)**

Neutral citation: [2024] KEHC 7289 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E086 OF 2024**

RE ABURILI, J

JUNE 11, 2024

BETWEEN

DANIEL ODERO APPLICANT

AND

REPUBLIC RESPONDENT

*(From the original conviction and sentence in the Senior Principal
Magistrate's Court Criminal Case No. E460 of 2023 at Winam)*

RULING

1. The Applicant is David Odero. Vide Notice of Motion dated 2nd May 2024, he seeks leave of court to appeal against conviction and sentence imposed on him on 15th April 2024 by Winam Court in Winam SPM Criminal Case No. E460 of 2023 of 15 years imprisonment for the offence of robbery with violence contrary to Section 295 as read with Section 296 (2) of the [Penal Code](#).
2. The reason for the delay is given as the technical issued of e-filing that has now been resolves by the prison administration.
3. I observe that the delay in filing the appeal is not inordinate as the application was ready for filing on 2nd May 2024 but the filing was done late.
4. I allow the application and grant the Applicant Daniel Odero leave to file an appeal out of time from Winam SPM Criminal Case No. E460 of 2023.
5. The appeal shall be filed within 14 days of service of this order upon the applicant through the 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

JUDGE

