



**Were v Republic (Miscellaneous Criminal Application  
E132 of 2022) [2023] KEHC 3161 (KLR) (12 April 2023) (Ruling)**

Neutral citation: [2023] KEHC 3161 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
MISCELLANEOUS CRIMINAL APPLICATION E132 OF 2022**

**RE ABURILI, J**

**APRIL 12, 2023**

**BETWEEN**

**KENNEDY OUKO WERE ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. *Vide* an application filed on 20<sup>th</sup> December 2022, the Convict herein Kennedy Ouko Were seeks orders that he be granted leave to file an appeal out of time from the conviction and sentence by Hon. C. N. Oruo SRM, Winam Law Courts in Criminal Case No E155 of 2021 wherein he was convicted and sentenced to serve seven (7) years and three (3) years consecutive sentences.
2. He claims that he filed an appeal through prisons authorities within time but he does not know what happened to it as the prisons authorities could not explain where it is.
3. The Applicant/Convict claims that he was sentenced on 11<sup>th</sup> November 2022. There is a delay of over four (4) months. The delay, however, is not inordinate and justice can still be done despite the delay which is explained to the satisfaction of this court by an inmate who is self repented. I allow the application for leave to file an appeal out of time from the proceedings, judgement, conviction and sentence in Winam SPM Criminal Case No. E155 of 2021. The Appeal to be filed and served upon the prosecution within fourteen (14) days of the date hereof.
4. This order to be served upon the applicant through prisons authorities.
5. This file is now closed.
6. I so order.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 12<sup>TH</sup> DAY OF APRIL, 2023**



**R. E. ABURILI**  
**JUDGE**

