



**Otieno v Republic (Miscellaneous Criminal Application E25 of 2023) [2023] KEHC 19014 (KLR) (19 June 2023) (Ruling)**

Neutral citation: [2023] KEHC 19014 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
MISCELLANEOUS CRIMINAL APPLICATION E25 OF 2023**

**RE ABURILI, J  
JUNE 19, 2023**

**BETWEEN**

**REAGAN OCHIENG OTIENO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. This Application for leave to appeal out of time filed on June 6, 2023 is similar to the one filed by the same Convict/Applicant Reagan Ochieng Otieno in HCCR Misc Application No E034 of 2023.
2. The Applicant claims that he was convicted on February 22, 2023 vide Tamu SPM Criminal Sexual Offences Case No E019 of 2022 and sentenced to serve twenty (20) years imprisonment in a defilement case.
3. Although no good grounds for the delay have been advanced, I exercise discretion and grant the Applicant/Convict herein Reagan Ochieng Otieno leave to appeal out of time from the conviction and sentence passed in Tamu PMCR Sexual Offences No E019 of 2022.
4. The appeal as intended to be filed and served upon the ODPP within fourteen (14) days of today.
5. This file is closed.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 19<sup>TH</sup> DAY OF JUNE, 2023**

**R. E. ABURILI**

**JUDGE**

