

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

CRIMINAL APPEAL NO. E006 OF 2021

CORAM: HON. R.E. ABURILI J

AUGUSTINE ONYANGO OCHIENG.....APPELLANT/APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

(Being an Application seeking leave to file an Appeal from the Judgment,

conviction and sentence of Bondo Principal Magistrate's Court

in Cr. Case No. 735 of 2019)

RULING

1. The application by Augustine Onyango Ochieng is for leave to appeal out of time although the file is opened as an appeal file. The application shows that the convict was sentenced to serve 15 years imprisonment upon conviction in each 2 counts of robbery with violence contrary to Section 295 as read with Section 296(2) of the Penal Code. Sentenced on 25/5/2021.

2. He filed this application on 3/6/2021 which was within 14 days. He should have simply filed an appeal as he was within time but he is now late as he did not file a petition of appeal. I find no prejudice in according the applicant an opportunity to have his appeal filed out of time.

3. Accordingly, leave is granted to the convict Augustine Onyango Ochieng to file his appeal within 14 days of today.

4. Registry to notify him of this order for compliance.

5. File closed.

6. Orders accordingly.

DATED, SIGNED AND DELIVERED AT SIAYA THIS 22ND DAY OF SEPTEMBER, 2021

R.E. ABURILI

JUDGE