



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT SIAYA**

**MISCELLEANOUS CRIMINAL APPLICATION NO. 53 OF 2020**

**KENNEDY OTIENO OLWENY..... APPLICANT**

**VERSUS**

**STATE..... RESPONDENT**

*(Being an application seeking sentence Review from Bondo PM's Court Criminal Case No. 624 of 2014)*

**RULING**

1. I have considered the application by the applicant/ Convict KENNEDY OTIENO LWENY. His earlier application was dismissed because it was erroneously brought under **Rule 113 of the Court of Appeal Rules**.
2. The present application seeks leave to appeal out of time, from the judgment of the Lower Court on sentence alone.
3. I grant the applicant leave to appeal out of time. The appeal to be filed within 14 days of today. In default, the order lapses.
4. The Registry to notify the Prisons authorities.
5. Order to be extracted.
6. File closed.

Orders accordingly.

**Dated, signed and delivered at Siaya this 1<sup>st</sup> day of September, 2020**

**R. E. ABURILI**

**JUDGE**