

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

MISC. CRIMINAL APPLICATION NO. 52 OF 2020

STEPHEN OTIENO.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

(Being an Application under Rule 113 of the Court of Appeal Rules, 2010)

(From original Bondo PM Criminal case No. 65 of 2019)

RULING

1. I have considered the application for leave to appeal out of time and the reasons for the delay given in the attached affidavit.
2. The applicant was convicted on 6/9/2019 and he only approached this court vide Misc Application No. 37/2020 which was dismissed on 6/7/2020 as it was mixed with an application under Rule 113 of the Court of Appeal Rules.
3. Having read the communication from Officer Incharge Kisumu Maximum Prisons dated 20/7/2020, I agree that the application ought to be for leave to appeal out of time from the judgment of the lower court.
4. In view of the earlier confusion, I grant the applicant the benefit of doubt and grant him leave to file an appeal out of time.
5. The intended appeal to be filed within 14 days of today. In default, the order lapses.
6. Registry to notify prisons and to extract this order.
7. File closed.

Date, signed and Delivered at Siaya this 1st Day of September 2020.

R.E. ABURILI

JUDGE