



**Ayieko v Republic (Criminal Miscellaneous Application
E130 of 2025) [2025] KEHC 14168 (KLR) (9 October 2025) (Ruling)**

Neutral citation: [2025] KEHC 14168 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL MISCELLANEOUS APPLICATION E130 OF 2025**

A MABEYA, J

OCTOBER 9, 2025

BETWEEN

KEVIN OMONDI AYIEKO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. On 9/4/2022, the applicant was convicted of the offence of defilement contrary to section 8(1) as read with section 8(3) of the [Sexual Offences Act](#). He was sentenced to 15 years' imprisonment.
2. He has now come to Court vide a Motion on Notice dated 30/6/2025 applying for leave to file an appeal out of time. Although there has been unreasonable and inordinate delay, the Court has considered that the applicant has been in custody throughout that period. He may not have been accorded facilities for legal representation.
3. Further, the sentence is severe and the State is not opposed to the extension of time sought.
4. In view thereof, I allow the application dated 30/6/2025. The applicant is granted leave to file a Petition of Appeal within 30 days of today.
5. This file is marked as closed.

It is so ordered.

DATED AND DELIVERED AT KISUMU THIS 9TH DAY OF OCTOBER, 2025.

A. MABEYA, FCI Arb

JUDGE

