

**IN THE COURT OF
APPEAL AT KISUMU**

(CORAM: OMONDI, J.A. (IN CHAMBERS))

CRIMINAL APPLICATION NO E157 OF

2024 BETWEEN

JAMES SOSI CHEMOSIT ALIAS JESHI.....APPLICANT

AND

REPUBLIC.....RESPONDENT

*(Being an application seeking leave to file an appeal out of
time against the Ruling of the High Court of Kenya at
Bungoma (Ougo, (J.) dated 23rd January, 2023*

in

MISC.APPL. No. E007 of 2022)

RULING

1. James Sosi Chemosit alias Jeshi, the applicant herein, was convicted for the for the offence Murder contrary to section 203 as read with section 204 of the Penal Code in Bungoma HCCRC No. 58 of 2007, and sentenced to suffer death. He was aggrieved by the outcome, and lodged an appeal to the Court of Appeal, against both the conviction and the sentence to the Court of Appeal at Kisumu vide

Criminal Appeal No. 42

of 2015, which was heard and dismissed in entirety. He then filed Bungoma HCCR Misc. Application No. E007 of 2022 being an application for review of sentence, which was also dismissed on 23rd day of January, 2023 (Ougo, J).

2. The applicant explains that although he was aggrieved by this outcome, he could not appeal on time as he was not supplied with the High Court decision to enable him file his appeal. Consequently, the time within which to file his appeal lapsed, hence his application for extension of time.
3. In opposing the application, learned prosecution counsel Miss Mwaniki submits that the application is a non-starter as the matter the appellant refers to records show that Bungoma HCCR Misc. Application No. E007 of 2022 was lodged by Ferdinand Juma Sakwa; and a ruling delivered on 7th October 2022 by Riechi, J.
4. The applicant has not attached a copy of the contested ruling to enable this Court verify the authenticity of his claim, but recognising that he is incarcerated, I directed the learned Deputy Registrar to avail **Bungoma HCCRA No. E007 of 2022**. The response from the Deputy Registrar at the High Court in Bungoma Hon Ng'etich, who has advised that:

- a) The applicant James Sosi Chemosit, only filed **HCCRMMISC No. E094 of 2024**, which was dismissed administratively on grounds of being improperly filed - there was no application filed only a notice of appeal. The file was closed administratively by the Deputy Registrar.
- b) The application referenced as **HCCR MIS. APPL No. E007 of 2022** was filed by a different applicant namely **Ferdinand Juma Sakwa**, and not James Sosi Chemosit; and the said application has been determined.

This application has no leg on which to stand and lacks merit completely. Consequently, the application is dismissed.

Dated and delivered at Kisumu this 3rd day of October, 2025.

H.A. OMONDI

.....
JUDGE OF APPEAL

*I certify that this is
a true copy of the
original.*

DEPUTY REGISTRAR