

**IN THE COURT OF
APPEAL AT KISUMU**

(CORAM: KIMARU, JA (IN CHAMBERS))

CRIMINAL APPLICATION NO. E008 OF

2025 BETWEEN

**JOHN OCHIENG.....APPLICANT
AND REPUBLIC**

.....
RESPONDENT

(Being an application for extension of time from the Judgment of
the High Court of Kenya at Siaya (R. Aburili, J) Dated 25th
January, 2022

in

**HCCRC No. E006 of
2020)**

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RULING

1. **John Ochieng**, the applicant herein was tried and convicted by the High Court sitting at Siaya of the offence of **murder** contrary to **section 203** as read with **section 204** of the **Penal Code**. He was sentenced to life imprisonment. The applicant wishes to appeal against the said decision to this Court in exercise of his Constitutional right of appeal. He pleads with the Court to grant him extension of time to appeal out of time. He explains the reason for the delay in

lodging the notice of appeal in time to the fact that he was not supplied with certified copies of the

proceedings and Judgment in time to enable him mount the appeal in time. The application is unopposed.

2. This Court, upon perusal of the application, is persuaded that the applicant is deserving of the exercise of discretion by this Court under **Rule 4** of the **Court of Appeal Rules** so that he can exercise his constitutional right of appeal, more so taking into account the sentence that was meted upon him by the trial Court.
3. In the premises therefore, the applicant is granted extension of time to lodge the notice of appeal out of time. The said notice of appeal shall be filed and served within fourteen (14) days.
4. It is so ordered.

Dated and delivered at Kisumu this 15th day of October, 2025.

L. KIMARU

.....
**... JUDGE OF
APPEAL**

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

DEPUTY REGISTRAR.