



REPUBLIC OF KENYA



**KENYA LAW**  
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**Odhiambo v Republic (Criminal Application E162 of 2024)  
[2025] KECA 1608 (KLR) (3 October 2025) (Ruling)**

Neutral citation: [2025] KECA 1608 (KLR)

**REPUBLIC OF KENYA  
IN THE COURT OF APPEAL AT KISUMU  
CRIMINAL APPLICATION E162 OF 2024  
HA OMONDI, JA  
OCTOBER 3, 2025**

**BETWEEN**

**KENNEDY OTIENO ODHIAMBO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(Being an application seeking extension of time to file appeal against conviction and sentence against the judgment of the High Court of Kenya at Siaya (Aburili, J.) dated 18th December 2019 in HCCRA No 59 of 2017)*

**RULING**

1. Kennedy Otieno Odhiambo, the applicant herein was convicted on a charge of defilement contrary to section 8(1) and section 8(2) of the *Sexual Offences Act* by the Chief Magistrate's Court in Bondo and sentenced to life imprisonment. Aggrieved by the outcome, he filed an appeal against both conviction and sentence in Siaya HCCRA No. 59 of 2029 and on 18<sup>th</sup> December 2019, the court (Aburili, J.) dismissed the appeal in its entirety.
2. Despite being dissatisfied with the outcome, he did not file a second appeal to this Court as he was not able to obtain certified copies of the proceedings and judgment; meanwhile the time within to file his appeal had elapsed. Persuaded that he deserved a second bite at the cherry, he filed the Notice of Motion dated 13<sup>th</sup> November 2024 seeking extension of time within which to file his appeal. There was no response to this application.
3. However, by an undated notice duly thumb printed by the applicant, he has indicated that he no longer wishes to pursue this application, as the self-same prayers were granted by the High Court in Siaya High Court Criminal Miscellaneous Application No. E092 of 2024, thus rendering this application spent.
4. Consequently, the application is marked as withdrawn under rule 54(1) of the Court of Appeal Rules.



**DATED AND DELIVERED AT KISUMU THIS 3<sup>RD</sup> DAY OF OCTOBER, 2025.**

**H. A. OMONDI**

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**JUDGE OF APPEAL**

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

**DEPUTY REGISTRAR**

