



**Onyango v Republic (Criminal Miscellaneous Application  
E129 of 2025) [2025] KEHC 14096 (KLR) (9 October 2025) (Ruling)**

Neutral citation: [2025] KEHC 14096 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
CRIMINAL MISCELLANEOUS APPLICATION E129 OF 2025**

**A MABEYA, J  
OCTOBER 9, 2025**

**BETWEEN**

**VICTOR ONYANGO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. On 20/1/2025, 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. After 7 months, has now come to Court vide a Motion on Notice dated 7/7/2025 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 7/7/2025. 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 9<sup>TH</sup> DAY OF OCTOBER, 2025.**

**A. MABEYA, FCI Arb**

**JUDGE**

