



**Chegem v Republic (Criminal Application E021 of 2024)
[2025] KECA 1716 (KLR) (15 October 2025) (Ruling)**

Neutral citation: [2025] KECA 1716 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT KISUMU
CRIMINAL APPLICATION E021 OF 2024
MSA MAKHANDIA, JA
OCTOBER 15, 2025**

BETWEEN

JOSEPH LESIRE CHEGEM APPLICANT

AND

REPUBLIC RESPONDENT

(Being an application for extension of time to appeal out of time from the decision of the High Court of Kenya at Kisii, (Odera J.,) dated 12th January 2024 in Revision No. E80 of 2022)

RULING

1. Mr. Joseph Lesire Chegem, “the applicant”, wishes to appeal the decision of the High Court of Kenya at Kisii dated 12th January, 2024 that turned down his resentencing and or Revision application. However, he cannot do so as a matter of right as the timelines for such eventuality under this Court’s rules have long passed. It is for that reason that he has mounted this application.
2. Much as the notice of motion is undated and does not cite any rule of this Court in support thereof, it is apparent from the body of the application and the supporting affidavit, that he is seeking for extension of time to appeal against the decision of the High Court aforesaid. Ordinarily such an application is filed pursuant to Rule 4 of the Court of Appeal Rules and I take it as such.
3. The applicant has in the grounds and affidavit in support of the application alluded to the fact that the reason he did not lodge an appeal within time was because he was not supplied with proceedings and judgment of the High Court as requested in time. This averment has not been challenged or contested by the respondent. I note that the respondent though served with this application on 10th September 2025, has not filed any papers in opposition to it to date. If anything, in its written submissions prepared and filed by Mr. Joseph Kimanthi, learned Senior Assistant Director of Public Prosecutions, the respondent appears to support the application, for it submits: “This reason is merited noting that the applicant is acting in person and not conversant with the law. That, this Court can exercise



discretion and grant extension as sought. That the Respondent is not opposed to the granting of the Applicant's application".

4. That being the case, I therefore allow the application as prayed. The applicant has forty -five (45) days from the date of this ruling to mount or lodge his intended appeal.

DATED AND DELIVERED AT KISUMU THIS 15TH DAY OF OCTOBER, 2025.

ASIKE-MAKHANDIA

.....

JUDGE OF APPEAL

I certify that this is a true copy of the original

DEPUTY REGISTRAR

