



REPUBLIC OF KENYA



KENYA LAW
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**Ogejo v Republic (Criminal Application E030 of 2025)
[2025] KECA 1682 (KLR) (21 October 2025) (Ruling)**

Neutral citation: [2025] KECA 1682 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT KISUMU
CRIMINAL APPLICATION E030 OF 2025
LK KIMARU, JA
OCTOBER 21, 2025**

BETWEEN

KELVIN OTIENO OGEJO APPLICANT

AND

REPUBLIC RESPONDENT

*(Being an application for extension of time from the Judgment of
the High Court of Kenya at Siaya (R.E. Aburili, J) Dated 16th
September, 2021 in HCCA No.7,8&11 OF 2020(Consolidated))*

RULING

1. Kelvin Otieno Ogejo, the applicant herein, was convicted of murder contrary to section 203 as read with section 204 of the Penal Code and sentenced to life imprisonment by the High Court sitting at Siaya on 16th September, 2021. The applicant craves for this Court's discretion essentially under Rule 4 of this Courts Rules to be allowed to file his appeal out of time. The applicant explained that he was unable to secure the typed copies of the proceedings and Judgment to enable him mount the appeal in time. The application is not opposed by the respondent.
2. This Court, for the reason given by the applicant, exercise its discretion in favour of the applicant. The fact that the applicant is serving a life sentence, weighed in the mind of the Court in its decision to grant extension of time to enable the applicant pursue his constitutional right of appeal to this Court. The applicant should be given the chance to ventilate and exhaust all the legal avenues available to him on appeal.
3. In the premises therefore, the applicant is granted leave to appeal out of time. He shall file and serve the notice of appeal within fourteen (14) days of today's date.

DATED AND DELIVERED AT KISUMU THIS 21ST DAY OF OCTOBER, 2025.



L. KIMARU

JUDGE OF APPEAL

I certify that this is a true copy of original.

DEPUTY REGISTRAR.

