



**Ochieng v Republic (Criminal Application E028 of 2025)  
[2025] KECA 1681 (KLR) (21 October 2025) (Ruling)**

Neutral citation: [2025] KECA 1681 (KLR)

**REPUBLIC OF KENYA  
IN THE COURT OF APPEAL AT KISUMU  
CRIMINAL APPLICATION E028 OF 2025  
LK KIMARU, JA  
OCTOBER 21, 2025**

**BETWEEN**

**KEPHA OTIENO OCHIENG ..... 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 20th July, 2020 in HCCRA No 62 OF 2019)*

**RULING**

1. Kepha Otieno Ochieng, the applicant herein, wishes to exercise his right of second and perhaps last appeal to this Court as provided under Article 50(2) (q) of the *Constitution*. The applicant was convicted of the offence of defilement contrary to section 8(1) as read with section 8(2) of the *Sexual Offences Act*. He was sentenced to serve life imprisonment on 31<sup>st</sup> July, 2019. His appeal to the High Court sitting at Siaya was dismissed on 20<sup>th</sup> July, 2020.
2. The applicant craves for the exercise of this Court's discretion essentially under Rule 4 of the Court of Appeal Rules to enable him lodge the appeal to this Court out of time. The applicant explains the reason for his failure to file the appeal in time was due to financial constraints on the part of his relatives to enable them secure an advocate. From the annexure to the affidavit in support of the application, it was apparent that the applicant's attempt to secure the reduction of his sentence by the High Court in a constitutional Petition was disallowed by the Court on 3<sup>rd</sup> March, 2025 leaving the appellant with no other legal pathway or avenue than to pursue an appeal to this Court.
3. This Court will allow the applicant to exercise his constitutional right of appeal to this Court on account of the long custodial sentence that he is currently serving so that he can exhaust all avenues of appeal available in law. The applicant shall file and serve the notice of appeal within fourteen (14) days of today's date.



**DATED AND DELIVERED AT KISUMU THIS 21<sup>ST</sup> DAY OF OCTOBER, 2025.**

**L. KIMARU**

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**JUDGE OF APPEAL**

I certify that this is a true copy of original.

**DEPUTY REGISTRAR.**

