



**Oloo v Republic (Criminal Application E036 of 2025)  
[2025] KECA 1680 (KLR) (21 October 2025) (Ruling)**

Neutral citation: [2025] KECA 1680 (KLR)

**REPUBLIC OF KENYA  
IN THE COURT OF APPEAL AT KISUMU  
CRIMINAL APPLICATION E036 OF 2025  
LK KIMARU, JA  
OCTOBER 21, 2025**

**BETWEEN**

**DANIEL OTIENO OLOO ..... 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 6th October, 2020 in HCCRA No.44A of 2018)*

**RULING**

1. Daniel Otieno Oloo, the applicant, desires appeal to this Court against the Judgment of the High Court sitting at Siaya (R.E. Aburili, J) delivered on 6<sup>th</sup> October, 2020. The High Court dismissed the applicant’s appeal against his conviction and sentence by the trial magistrate for the offence of Robbery with Violence contrary to section 296(2) of the Penal Code. The applicant explains the reason for the delay in lodging the appeal in time was due to the fact that he was not furnished with certified typed copies of the proceedings and Judgment by the court in time. The application is unopposed.
2. This Court has unfettered discretion to extend time for any steps to be taken outside the period provided by the Rules. Under Rule 4 of the Court of Appeal Rules. In the present application, this Court is satisfied that the applicant ought to be given a chance to ventilate his right of second appeal under Article 50(2) of *the Constitution* in light of the long custodial sentence that was meted upon him.
3. In the premises therefore, the applicant is granted extension of time to lodge the notice of appeal out of time. The same shall be filed and served 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**

