



**Owiti v Republic (Criminal Miscellaneous Application E040 of 2025)
[2025] KEHC 14917 (KLR) (24 October 2025) (Ruling)**

Neutral citation: [2025] KEHC 14917 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL MISCELLANEOUS APPLICATION E040 OF 2025**

**A MABEYA, J
OCTOBER 24, 2025**

BETWEEN

DANIEL OTIENO OWITI APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. On 5/1/2023, 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 2 years, he has come to Court 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 20/2/2025. The applicant is granted leave to file a Petition of Appeal within 30 days of today. In the meantime, this ruling together with the Record of Appeal which is ready and on record be supplied to the applicant immediately.
5. This file is marked as closed and an appeal file be opened.

It is so ordered.

DATED AND DELIVERED AT KISUMU THIS 24TH DAY OF OCTOBER, 2025.

A. MABEYA, FCI Arb

JUDGE

