



REPUBLIC OF KENYA



**KENYA LAW**  
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**Korir v Republic (Criminal Application E082 of 2025)  
[2025] KECA 1921 (KLR) (18 November 2025) (Ruling)**

Neutral citation: [2025] KECA 1921 (KLR)

**REPUBLIC OF KENYA  
IN THE COURT OF APPEAL AT NAKURU  
CRIMINAL APPLICATION E082 OF 2025  
PM GACHOKA, JA  
NOVEMBER 18, 2025**

**BETWEEN**

**ENOCK KIPLANGAT KORIR ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(An application for leave to appeal out of time against the conviction  
and sentence by the High Court of Kenya at Bomet (R. Korir, J.)  
delivered on 14th January 2025 in HCCRA No. E027 of 2023)*

**RULING**

1. In his Notice of Motion dated 8<sup>th</sup> September 2025, the applicant seeks the leave of this Court to appeal out of time against the conviction and sentence upheld by the High Court sitting at Bomet in HCCRA No. E027 of 2023 (R. Korir). In Bomet CMC Criminal Case (SO) No. E010 of 2022, the applicant faced two counts of defilement contrary to section 8 (1) as read with section 8 (2) of the [Sexual Offences Act](#). The matter went for full trial where the applicant was convicted on one count of defilement. He was sentenced to 20 years imprisonment. The applicant challenged those findings before the Bomet High Court. In her judgment dated 14<sup>th</sup> January 2025, Korir, J. found that the appeal against the conviction lacked merit and was dismissed. She however enhanced his sentenced to life imprisonment.
2. The applicant is aggrieved with those findings. His application is supported by the grounds on the face of it together with his affidavit sworn on 8<sup>th</sup> September 2025. The applicant has urged this Court to allow the application on the ground that he was not furnished with the judgment in good time to enable him to file the appeal.
3. The application was not opposed. In its written submissions dated 10<sup>th</sup> November 2025, the state, through Senior Assistant Director of Public Prosecutions Mr. Omutelema submitted that the delay in filing the application was not inordinate as it was filed seven months after the impugned judgment was



delivered. Furthermore, he urged this Court to allow the application for the reason that the sentence meted out is lengthy.

4. Rule 4 of this Court's rules provides that the Court may extend the time limited by these Rules for the doing of any act authorized or required by the Rules, whether before or after the doing of the act, and a reference in these Rules to any such time shall be construed as a reference to that time as extended. Its principles have been well enunciated by the Supreme Court in *Agatha vs. Azad & 3 others* [2022] KESC 1 (KLR). We need not rehash those principles.
5. I have considered the application, the supporting affidavit, the respondent's submissions and the law. I am satisfied to hold that the application has met the threshold for the exercise of discretion by this Court. The delay of nine months in bringing the application, though inordinate, is excusable. In view of the foregoing, I direct the applicant to file his notice of appeal within 14 days from the date of this order. Thereafter, the record of appeal shall be filed and served within 30 days.

**DATED AND DELIVERED AT NAKURU THIS 18<sup>TH</sup> DAY OF NOVEMBER 2025.**

**M. GACHOKA C.Arb, FCIArb.**

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**JUDGE OF APPEAL**

I certify that this is a True copy of the original

Signed

**DEPUTY REGISTRAR**

