



**Shikokoti v Republic (Criminal Application E119 of 2024)
[2025] KECA 1884 (KLR) (7 November 2025) (Ruling)**

Neutral citation: [2025] KECA 1884 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT KISUMU
CRIMINAL APPLICATION E119 OF 2024
LK KIMARU, JA
NOVEMBER 7, 2025**

BETWEEN

SHIHEMI CHITAI SHIKOKOTI APPLICANT

AND

REPUBLIC RESPONDENT

(Being an application for extension of time from the Judgment of the High Court of Kenya at Kakamega (R.N. Sitati, J) dated 26th October, 2016 in HCCR No. 8 of 2009)

RULING

1. Shihemi Chitai Shikokoti, the applicant herein, was charged and convicted 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. His appeal to the High Court sitting at Kakamega was dismissed on 26th October, 2016. The applicant wishes to appeal against the said decision to this Court in exercise of his right of second appeal. The applicant explains the reason for delay in lodging he appeal in time to failure by the court to supply him with the certified typed copies of the proceedings and Judgment in time. The applicant urged the Court to exercise discretion in his favour so that he can ventilate his appeal. In his view, the appeal raises weighty issues which has high chances of success. The applicant states that he will ready to present his appeal to this Court if given the chance.
2. The application is unopposed. This Court has considered the applicant's application. It is evident that the applicant is deserving of the exercise of judicial discretion in his favour. Although a long period of time has passed since the first appeal was determined by the High Court, this Court takes cognizance of the fact that once incarcerated, it is challenging for an indigent applicant to pursue the supply of the certified copies of the proceedings and Judgement for appeal purposes. Further, taking into consideration that the applicant is serving a life sentence, it is only fair and just that he be allowed to exercise his second, and perhaps last appeal to this Court.



3. In the premises therefor, the application for extension of time is allowed. The applicant is granted leave to file the notice of appeal out of time. The said notice of appeal shall be filed and served within fourteen (14) days of today's date.

DATED AND DELIVERED AT KISUMU THIS 7TH DAY OF NOVEMBER, 2025.

L. KIMARU

..... **JUDGE OF APPEAL**

I certify that this is a true copy of original.

Deputy Registrar

