

**IN THE COURT OF  
APPEAL AT  
KISUMU**

**(CORAM: KIMARU, JA (IN CHAMBERS))**

**CRIMINAL APPLICATION NO. E055 OF**

**2024 BETWEEN**

**SILAS ORWA AWITI.....APPLICANT  
AND REPUBLIC**

**RESPONDENT**

(Being an Application for extension of time to lodge the notice of appeal out of time from the Judgment of the High Court of Kenya at Migori (R. Wendoh, J) dated 25<sup>th</sup> February, 2022

**in**

**HCCR. No. 1 of 2017)**

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**RULING**

1. **Silas Orwa Awiti**, the applicant herein was charged, tried and convicted of murder contrary to **section 2023** as read with **section 204** of the **Penal Code** by the High Court sitting at Migori. The judgment was delivered on 25<sup>th</sup> February, 2022. He was sentenced to serve a term of imprisonment that has not been disclosed in the application. The applicant wishes to appeal against the said decision to this Court. He has therefore filed an application essentially

under **Rule 4** of the **Court of Appeal Rules** seeking to be granted leave to file the notice of

appeal out of time. The application is not opposed by the Director of Public Prosecution who indicated that the applicant should be given a chance to exercise his right of appeal to this Court.

2. In the premises therefore, the application has merit and is hereby allowed. The applicant is granted leave to lodge the notice of appeal out of time. The notice of appeal shall be filed and served within **fourteen (14) days** of today's date.

**Dated and delivered at Kisumu this 20<sup>th</sup> day of November, 2025.**

**L. KIMARU**

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

**I certify that this is  
a true copy of  
original.**

**DEPUTY REGISTRAR.**