



**Chesori v Republic (Criminal Application E056 of 2024)  
[2025] KECA 1982 (KLR) (20 November 2025) (Ruling)**

Neutral citation: [2025] KECA 1982 (KLR)

**REPUBLIC OF KENYA  
IN THE COURT OF APPEAL AT KISUMU  
CRIMINAL APPLICATION E056 OF 2024  
LK KIMARU, JA  
NOVEMBER 20, 2025**

**BETWEEN**

**WINSSOR SEGERO CHESORI ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(Being an Application for extension of time from the Judgment of the High Court of Kenya Bungoma (S. Riechi, J) dated 10th May, 2022 in HCCR. Application No. 85 of 2019)*

**RULING**

1. Winssor Segero Chesori, the applicant herein, was charged with robbery with violence contrary to section 296(2) of the Penal Code before the Chief Magistrate's Court at Bungoma. He was convicted and sentenced to suffer death. His appeal to the High Court then sitting at Bungoma was dismissed on 25<sup>th</sup> May, 2005. His appeal to this Court was dismissed on 23<sup>rd</sup> October, 2009. One would have thought that that would be end of the road for the applicant. Undeterred, the applicant filed a Constitutional Petition before the High Court at Bungoma (Petition No. 85 of 2019) seeking to have the sentence that was imposed upon him revised. The petition was dismissed on 10<sup>th</sup> May, 2022.
2. Now the applicant is before this Court seeking extension of time to lodge appeal out of time to this Court pursuant to Rule 4 of the Court of Appeal Rules. The application is opposed by the Director of Public Prosecution (ODPP) who urged the Court to dismiss the same as the applicant has already exhausted his right of appeal and should therefore serve the sentence that was imposed upon him.
3. This Court agrees with the DPP that the applicant has exhausted his right of appeal. Once this Court rendered its decision on the second appeal lodged by the appellant to this Court, it became functus officio. It cannot entertain any further appeals to this Court by the applicant. The application has no merit. It is hereby struck out.

**DATED AND DELIVERED AT KISUMU THIS 20<sup>TH</sup> DAY OF NOVEMBER, 2025.**



**L. KIMARU**

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**JUDGE OF APPEAL**

I certify that this is a true copy of original.

**DEPUTY REGISTRAR.**

