



REPUBLIC OF KENYA



**Ogolla v Republic (Criminal Miscellaneous Application E197 of 2025)
[2025] KEHC 18669 (KLR) (17 December 2025) (Ruling)**

Neutral citation: [2025] KEHC 18669 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL MISCELLANEOUS APPLICATION E197 OF 2025**

**A MABEYA, J
DECEMBER 17, 2025**

BETWEEN

MOUSTINE AYOOH OGOLLA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. On 2/10/2024, the applicant was convicted of the offence of defilement contrary to section 8(1) as read with section 8(4) of the *Sexual Offences Act*. He was sentenced to 15 years' imprisonment.
2. After 1 year, the applicant 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 16/9/2025. The applicant is granted leave to file a Petition of Appeal within 30 days of today.
5. This file is marked as closed.

It is so ordered.

DATED AND DELIVERED AT KISUMU THIS 17TH DAY OF DECEMBER, 2025.

A. MABEYA, FCI Arb

JUDGE

