

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISUMU

CRIMINAL DIVISION

CRIMINAL MISC. APPLICATION NO. E203 OF 2025

KEVIN OTIENO OGONY APPLICANT

- VERSUS -

REPUBLIC RESPONDENT

R U L I N G

1. On **15/9/2025**, the applicant was convicted of the offence of robbery with violence contrary to ***section 296(2) of the Penal Code***, possession of firearm without a certificate contrary to ***section 4A (1) (a) of the Fire Arms Act CAP 114, Laws of Kenya*** and being in possession of fire arm certificate contrary to ***section 4A (1) (a) of the Fire Arms Act***. He was sentenced to suffer death.
2. After 2 months, the applicant came to Court on **6/11/2025** 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 **6/11/2025**. 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