

**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT KISUMU**

**CRIMINAL DIVISION**

**CRIMINAL MISC. APPLICATION NO. E202 OF 2025**

**JAMES RICHARD OKELO ..... APPLICANT**

**- VERSUS -**

**REPUBLIC ..... RESPONDENT**

**R U L I N G**

1. On **31/7/2025**, the applicant was convicted of the offence of defilement contrary to ***section 8(1) as read with section 8(2) of the Sexual Offences Act***. He was sentenced to 15 years' imprisonment.
2. After 4 months, 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. 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 17<sup>th</sup> day of **December, 2025**.

**A. MABEYA, FCI Arb**

**JUDGE**