

**IN THE COURT OF  
APPEAL AT  
KISUMU**

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

**CRIMINAL APPLICATION NO. E061 OF**

**2025 BETWEEN**

**HAZEL CAROLINE OBWARO.....APPLICANT  
AND REPUBLIC**

**RESPONDENT**

(Being an application for extension of time to appeal out of time from the Judgment of the High Court of Kenya at Kakamega (J. Masiga, J) dated 23<sup>rd</sup> February, 2024

in

**HCCRA No. E046 of 2022)**

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**RULING**

1. The applicant, **Hazel Caroline Obwaro** alias **Caro Okwira** was convicted on her own plea of guilty of the offence of manslaughter contrary to **section 202** as read with **section 205** of the **Penal Code** upon entering into a plea agreement. She was sentenced to serve fifteen (15) years imprisonment. She wishes to challenge decision in an appeal to this Court. She has filed the present application seeking to be granted extension of time to file appeal out of time. The applicant explains that she was prevented from lodging the appeal in time due to the fact that she did not have counsel

to represent her and, secondly that she has not been availed  
typed and certified copies of the

proceedings and Judgment. The applicant pleaded with the Court to grant her application so that she can exercise her right of appeal to this Court.

2. The application is not opposed. **Rule 4** of the **Court of Appeal Rules** grants this Court unfettered discretion to extend time for any steps required to be taken within the time prescribed by the Rules. This Court is satisfied by the explanation given by the applicant for the delay in lodging the appeal in time. Being unrepresented and incarcerated, it was not possible for her to follow up with the trial Court's registry the position of typing and certification of the proceedings and Judgment.
3. The application has merit and is hereby allowed. The applicant shall file and serve the notice of appeal within **fourteen (14) days** of today's date.

**Dated and delivered at Kisumu this 28<sup>th</sup> day of January, 2026.**

**L. KIMARU**

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

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

**DEPUTY REGISTRAR.**