



**Otieno v Republic (Criminal Application E043 of 2025)  
[2026] KECA 43 (KLR) (27 January 2026) (Ruling)**

Neutral citation: [2026] KECA 43 (KLR)

**REPUBLIC OF KENYA  
IN THE COURT OF APPEAL AT KISUMU  
CRIMINAL APPLICATION E043 OF 2025  
LK KIMARU, JA  
JANUARY 27, 2026**

**BETWEEN**

**PATRICK OWINO OTIENO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(Being an application for extension of time to file the notice of appeal out of time from the Judgment of the High Court of Kenya at Siaya (R. E. Aburili, J) Dated 16th December, 2021 in HCCRC No. 9 of 2019)*

**RULING**

1. Patrick Owino Otieno, the applicant herein, was convicted on 16<sup>th</sup> December, 2021 of murder contrary to section 203 as read with section 204 of the Penal Code. He was sentenced to serve thirty (30) years imprisonment. He was aggrieved by his conviction and sentence. He wishes to appeal against the said decision to this Court. He has filed the present application seeking to be granted extension of time to file appeal out of time. The applicant explains that he was prevented from lodging the appeal in time due to the fact that he was not furnished with certified typed copies of the proceedings and Judgment in time to enable him file the appeal in time. The application is supported by the annexed affidavit of the applicant.
2. The application is unopposed. Rule 4 of the Court of Appeal Rules grants this Court unfettered discretion to extend time for any steps stipulated to be taken within a prescribed period by the Rules. The applicant wishes to exercise his constitutional right of appeal. He is acting in person. He is in prison. The explanation that he has given for failure to lodge the notice of appeal in time is excusable. There was no one to follow up on his behalf for the proceedings to be typed, certified and made available to him in time to enable him file appeal in time.



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 27<sup>TH</sup> DAY OF JANUARY, 2026.**

**L. KIMARU**

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**JUDGE OF APPEAL**

I certify that this is a true copy of original.

**DEPUTY REGISTRAR**

