



REPUBLIC OF KENYA



KENYA LAW
THE NATIONAL COUNCIL FOR LAW REPORTING
Where Legal Information is Public Knowledge

**Wego v Republic (Criminal Application E058 of 2025)
[2026] KECA 60 (KLR) (28 January 2026) (Ruling)**

Neutral citation: [2026] KECA 60 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT KISUMU
CRIMINAL APPLICATION E058 OF 2025
LK KIMARU, JA
JANUARY 28, 2026**

BETWEEN

WILSON OMINDE WEGO 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 Kisumu (D.S. Majanja, J. dated 8th May, 2017 in HCCR No. 66 of 2011))

RULING

1. The applicant, Wilson Ominde Wego was convicted of murder contrary to section 203 as read with section 204 of the Penal Code. He was sentenced to suffer death on 8th May, 2017. The applicant wishes to appeal against the said decision to this Court. He has filed the present application seeking to be granted leave to file appeal out of time. The applicant states that he did not file the notice of appeal in time because he was not aware that he had a right of appeal. He only learnt of the right upon being given advice in a legal clinic while in prison. He urged the Court to exercise its discretion in his favour and grant the application in the interest of justice and to enable him exercise his constitutional right of appeal.
2. The application is unopposed. Rule 4 of the Court of Appeal Rules grants this Court unfettered discretion to extend time for any steps circumscribed by the Rules to be done out of time. In the present application, this Court is satisfied that the applicant is deserving of the exercise of discretion by this Court, firstly, because he is serving the ultimate penalty which is death and secondly to enable him exhaust his right of appeal to this Court.
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 28TH DAY OF JANUARY, 2026.



L. KIMARU

.....

JUDGE OF APPEAL

I certify that this is a true copy of original.

DEPUTY REGISTRAR.

