



REPUBLIC OF KENYA



KENYA LAW
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**Shikanga v Republic (Criminal Application E044 of 2025)
[2026] KECA 240 (KLR) (11 February 2026) (Ruling)**

Neutral citation: [2026] KECA 240 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT KISUMU
CRIMINAL APPLICATION E044 OF 2025
LK KIMARU, JA
FEBRUARY 11, 2026**

BETWEEN

COLLINS SHIKANGA 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. Njagi, J) dated 19th July, 2018 in HCCRA No. 90 of 2016)

RULING

1. The applicant, Collins Shikanga was convicted by the trial Magistrate's court 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 serve life imprisonment. Aggrieved by his conviction and sentence, the applicant filed an appeal to the High Court sitting at Kakamega. The appeal was dismissed. The applicant made the present application seeking to be granted extension of time to appeal out of time. The applicant explained the reason for his failure to file the appeal in time was because he was not availed a copy of the High Court Judgment in time to enable him file the appeal. The applicant states that his appeal has high chances of success. He should be allowed to ventilate the same before this Court. The application is supported by the annexed affidavit of the applicant.
2. The respondent does not oppose the application. This Court's jurisdiction to extend time is provided under Rule 4 of the Court of Appeal Rules. The jurisdiction is discretionary. In the present application, the applicant explains the reason for delay to be failure by the first appellate Court's to avail him a copy of the Judgment for appeal purposes. This Court observes that the first appeal was determined nearly ten (10) years ago. All Judgments and Rulings of the Superior Courts are published in the Kenya Law Reports website. Such Judgments and Rulings are available to the Public free of charge. This Court is not convinced by the reason given by the applicant for delay in filing the appeal in time. The period of



delay is inordinate. It is inexcusable. Although the respondent did not object to the application, this Court formed the view that the application lacks merit.

3. It is hereby dismissed.

DATED AND DELIVERED AT KISUMU THIS 11TH DAY OF FEBRUARY, 2026.

L. KIMARU

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JUDGE OF APPEAL

I certify that this is a true copy of original.

DEPUTY REGISTRAR.

