

**IN THE COURT OF  
APPEAL AT  
KISUMU**

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

**CRIMINAL APPLICATION NO. E124 OF**

**2024 BETWEEN**

**KEVIN OTIENO AWIDHI.....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 Migori (R. Wendoh, J) dated 5<sup>th</sup> October, 2022

**in**

**HCCR. No. 01 of 2017)**

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**RULING**

1. **Kevin Otieno Awidhi**, the applicant herein was convicted and sentenced of the charge of murder contrary to **section 203** as read with **section 204** of the **Penal Code**. The Judgment was delivered on 5<sup>th</sup> October, 2022. The applicant wishes to appeal against the said decision to this Court. He has filed the present application seeking to be granted leave to appeal out of time. The applicant explains the reason for delay in lodging the appeal in time was due to a honest

mistake in appreciating the time he was supposed to file the appeal. He pleads with the Court to give him a chance to ventilate his appeal before this Court. In

his view, his appeal is meritorious and has a chance of success before this Court. The respondent is not opposed to the application.

2. **Rule 4** of the **Court of Appeal Rules** grants this Court jurisdiction to extend time for any steps to be taken outside the period prescribed by the Rules. In the present application, the applicant made a honest mistake in failing to appreciate the timelines that he was required to comply with in order to mount an appeal to this Court. In the interests of justice, the applicant will be allowed to ventilate his appeal before this Court.

3. The application has merit. It is hereby allowed. The applicant is hereby granted leave to appeal out of time. The notice of appeal shall be filed and served within **fourteen (14) days** of today's date.

**Dated and delivered at Kisumu this 19<sup>th</sup> day of February, 2026.**

**L. KIMARU**

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

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

**DEPUTY REGISTRAR.**