



REPUBLIC OF KENYA



**Matiko v Republic (Criminal Application E37 of 2025)
[2026] KECA 310 (KLR) (19 February 2026) (Ruling)**

Neutral citation: [2026] KECA 310 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT KISUMU
CRIMINAL APPLICATION E37 OF 2025
LK KIMARU, JA
FEBRUARY 19, 2026**

BETWEEN

DICKSON MUGOSI MATIKO 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 Kisii (R.N. Sitati, J. dated 31st July, 2014 in HCCRA No. 204 of 2009)

RULING

1. Dickson Mugosi Matiko, the applicant herein was tried and convicted of the offence of robbery with violence contrary to section 296(2) of the Penal Code. He is serving life imprisonment. His appeal to the High Court at Kisii was dismissed on 31st July, 2014. The applicant wishes to appeal to this Court. He has filed the present application seeking to be granted leave to appeal out of time. The applicant explains that he had filed a previous application similar to the present one before this Court on 1st August, 2023 but was not told its outcome. He has filed the present application so that he can be given an opportunity to ventilate his appeal before this Court. He gave the reason for delay in lodging the appeal in time to be failure by the High Court to supply him with certified typed copies of the proceedings and Judgment in time to enable him file the appeal. The applicant pleads with the Court to give him a chance to enable him ventilate his appeal 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 beyond the period prescribed by the Rules. The applicant explained the reason for delay in lodging the appeal in time. He had attempted previously to file an application such as the present one in 2023. The Court Registry's record however shows that his attempt to file the application was unsuccessful. It does not appear in the Court's records system. It is evident that the applicant is desirous



of ventilating his appeal before this Court. This Court is persuaded that the applicant should be given a chance to present his appeal before this Court in view of the sentence he is currently serving.

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

DATED AND DELIVERED AT KISUMU THIS 19TH 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.

