

**IN THE COURT OF  
APPEAL AT  
KISUMU**

**(CORAM: KIMARU, JA (IN CHAMBERS))  
CRIMINAL APPLICATION NO. E054 OF  
2024 BETWEEN**

**DANIEL OSORO MOSE.....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.E. Ougo, J) dated 3<sup>rd</sup> March, 2020.

**in**

**HCCR No. 1 of 2019)**

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**RULING**

1. The applicant, **Daniel Osoro Mose** was convicted and sentenced of the offence of Murder contrary **section 203** as read with **section 204** of the **Penal Code**. The Judgment was delivered on 3<sup>rd</sup> March, 2020. 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 to be failure by the High Court to supply him with certified copies of the proceedings

and Judgment in time to enable him file the appeal in time.

The applicant being

incarcerated, was not able to follow up with the High Court to have the proceedings and Judgment typed in time to enable him exercise his right of appeal to this Court. The respondent is not opposed to the application being granted.

2. **Rule 4** of the **Court of Appeal Rules** grant this Court jurisdiction to extend time for any steps to be taken outside the period prescribed by the Rules. In the present application, this Court was convinced by the reason given by the applicant for failure to file the appeal in time. The reason was beyond his control. The applicant should be given a chance to ventilate his appeal before this Court.
3. The application has merit. It is hereby allowed. The applicant is 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.**