



REPUBLIC OF KENYA



**Orisai v Republic (Criminal Application E056 of 2025)
[2026] KECA 314 (KLR) (19 February 2026) (Ruling)**

Neutral citation: [2026] KECA 314 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT KISUMU
CRIMINAL APPLICATION E056 OF 2025
LK KIMARU, JA
FEBRUARY 19, 2026**

BETWEEN

JOSEPH ORISAI 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 Busia (W. Musyoka, J) dated 4th July, 2025 in HCCRA No. E052 of 2024)

RULING

1. Joseph Orisai, the applicant herein was convicted of the charge of defilement contrary to section 8(1) as read with section 8(2) of the *Sexual Offences Act*. He was sentenced to serve fifteen (15) years imprisonment. His appeal to the High Court was dismissed on 4th July, 2025. The applicant wishes to appeal against the said decision to this Court. He has filed the present application seeking to be granted leave to lodge appeal out of time. The applicant explained the reason for the delay in filing the appeal in time to be on account of delay by the High Court to supply him with certified copies of the proceedings and Judgment. It also took time for the applicant's family to obtain sufficient funds to enable them to instruct an advocate to act on his behalf in the appeal. The applicant pleads with the Court to give him a chance to ventilate his appeal before this Court. The respondent does not oppose the appeal.
2. Rule 4 of the Court of Appeal Rules grant this Court jurisdiction to extend time for any steps prescribed by the Rules to be done outside time. In the present application, this Court is satisfied by the reasons given by the applicant for the delay in filing the appeal in time. The delay is not inordinate. 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 shall file and serve the notice of appeal within fourteen (14) days of 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.

DEPUTYREGISTRAR

