

**IN THE COURT OF APPEAL
AT KISUMU**

(CORAM: KIMARU, J.A. (IN CHAMBERS))

CRIMINAL APPLICATION NO. E018 OF 2026

BETWEEN

**JARED ONDIMU MONYANCHA.....APPLICANT
AND
REPUBLIC.....RESPONDENT**

(Being an application for extension of time to file an appeal out of time from the Judgment of the High Court of Kenya at Kisii (R. Ougo, J))

*in
HCCRC. No. 33 of 2021)

RULING

[1] **Jared Ondimu Monyacha**, the applicant herein, was convicted of **murder** contrary to **section 203** as read with **section 204** of the Penal Code and sentenced to serve twenty (20) years imprisonment. The applicant wishes to challenge the said conviction and sentence on appeal to this Court. He has moved this Court by notice of motion substantially made under **Rule 4** of the **Court of Appeal Rules**, seeking to be granted extension of time to file appeal out of time. The applicant explained that he did not file the notice of appeal in time due to the fact that after his incarceration, he fell ill and therefore, was not

able to file the appeal in time. The application is supported by the annexed affidavit of the applicant.

[2]The application was duly served. No response has been filed by the respondent. The application is therefore unopposed. This Court has unfettered discretion under **Rule 4** of the **Court of Appeal Rules** to extend or not extend time for any steps to be taken within the time prescribed by the Rules.

[3]In the present application, the applicant gave a convincing reason for delay in lodging the notice of appeal in time. He was ailing and was prevented from filing the appeal in time. The delay is excusable.

[4]The application has merit. It is hereby allowed. The notice of appeal shall be filed and served **within fourteen (14) days** of today's date.

Dated and delivered at Kisumu this 12th day of March, 2026.

L. KIMARU

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**JUDGE OF
APPEAL**

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

DEPUTY REGISTRAR.