

**IN THE COURT OF  
APPEAL AT KISUMU**

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

**CRIMINAL APPLICATION NO. E173 OF**

**2024 BETWEEN**

**VINCENT MOKUA.....APPLICANT**

**AND**

**REPUBLIC.....RESPONDENT**

*(Being an application seeking for extension of time to  
appeal against both conviction and sentence.*

**RULING**

1. There has been a sudden upsurge in Kisumu relating to applications for extension of time within which to file appeals out of time. Indeed, whenever there is some billowing of smoke, there is definitely a fire burning somewhere. This matter is a classic example of how individuals within the justice system can easily take undue advantage of information gaps within the justice system to push their luck and beat the very system intended to take care of genuine applications in applications for extension of time, sometimes with very embarrassing outcomes, for instance where two courts may end up with conflicting orders.

2. Vincent Mokuu, (“the applicant”) herein, was tried, convicted and sentenced to suffer death for the offence of robbery with violence contrary to section 296(2) of the Penal Code in the Chief Magistrate’s Court at Kisumu. He subsequently lodged an appeal to the High Court of Kenya at Kisumu, which was heard and dismissed. He has now filed an application dated 23<sup>rd</sup> December 2024 in which he states:

***“That, I could not appeal on time because I was not [sic] High Court Judgment on time to prepare my appeal on time.***

***That, given a chance, my appeal has high chances of succeeding.***

***That, I am a pauper hence applying that I be exempted from any court fee that might apply in this application.***

***That, due to my earlier intention to appeal, I beg leave of this honorable court for an extension”***

3. Incidentally, the applicant had filed a similar application dated 23<sup>rd</sup> May 2024, in Criminal Application No. E168 OF 2024 which was heard by Makhandia J and on 1<sup>st</sup> July 2025, the following orders were issued:

***“In the result I allow the application with the consequence that the applicant is granted leave to file both the notice and record of appeal out of time. The applicant should do so within the next forty five (45) days from the date of this ruling.”***

4. This means that the application was subjected to double registration, and is already spent. I direct that the application herein be marked as spent and the file ordered closed.

**Dated and delivered at Kisumu this 13<sup>th</sup> day of March, 2026.**

**H. A. OMONDI**

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

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

**DEPUTY REGISTRAR**

