



REPUBLIC OF KENYA



**KENYA LAW**  
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**Ogejo v Republic (Criminal Application E033 of 2025)  
[2026] KECA 754 (KLR) (24 April 2026) (Ruling)**

Neutral citation: [2026] KECA 754 (KLR)

**REPUBLIC OF KENYA  
IN THE COURT OF APPEAL AT KISUMU  
CRIMINAL APPLICATION E033 OF 2025  
HA OMONDI, JA  
APRIL 24, 2026**

**BETWEEN**

**KELVIN OTIENO OGEJO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(Being an application for extension of time from the Judgment  
of the High Court of Kenya at Siaya (R.E. Aburili, J) Dated 16th  
September, 2021 in HCCRA No.7,8 & 11 OF 2020(Consolidated))*

**RULING**

1. The applicant, Kelvin Otieno Ogejo was charged, in Siaya HCCRA No.7,8&11 of 2020(Consolidated)), tried convicted and on 16<sup>th</sup> September 2021 sentenced to life imprisonment for the offence of murder contrary to section 20 as read with section 203 of the Penal Code (Aburili, J). He was aggrieved by the outcome, and was desirous of filing an appeal and ought to have filed his appeal within 14 days of the decision, but he did not. He then filed an undated application by way of Notice of Motion, seeking leave to appeal out of time. In the supporting affidavit sworn by himself, he explained that due to poor finances, he was not able to pay so as to get his record of appeal prepared. Similarly, his family also had financial challenges, and could not assist hi in pursuit of his appeal.
2. I take note that the applicant had filed a similar application In Kisumu Court of Appeal Criminal Application No. E030 of 2025, Kennedy Otieno Ogejo where he sought extension of time from the Judgment of the High Court of Kenya at Siaya (R.E. Aburili, J.) dated 16<sup>th</sup> September, 2021, HCCA No.7,8&11 of 2020(Consolidated)). On 21<sup>st</sup> October 2025, the Court (Kimaru, JA.), allowed the application, and granted the applicant leave to appeal out of time; and to file and serve the notice of appeal within fourteen (14) days thereof.



3. What emerges is that either the applicant filed multiple applications over the same issue, or this was pure an error by the registry, resulting in double registration. Whatever the case, this matter is spent, and I need not write another ruling. The file is ordered closed.

**DATED AND DELIVERED AT KISUMU THIS 24<sup>TH</sup> DAY OF APRIL, 2026.**

**H. A. OMONDI**

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**JUDGE OF APPEAL**

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

**DEPUTY REGISTRAR**

