



REPUBLIC OF KENYA



KENYA LAW
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**Pamba v Republic (Criminal Application E169 of 2024)
[2025] KECA 1424 (KLR) (31 July 2025) (Ruling)**

Neutral citation: [2025] KECA 1424 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT KISUMU
CRIMINAL APPLICATION E169 OF 2024
MSA MAKHANDIA, JA
JULY 31, 2025**

BETWEEN

EMMANUEL OTIENO PAMBA APPLICANT

AND

REPUBLIC RESPONDENT

(Being an application for extension of time)

RULING

1. Emmanuel Otieno Pamba, hereinafter, (“the applicant”), was charged in the High Court of Kenya at Siaya, with two counts of murder contrary to Section 203 as read with Section 204 of the *Penal Code*. He was upon trial convicted and sentenced to life imprisonment.
2. Desirous of appealing to this Court, the applicant filed this application dated 6th December, 2024, seeking leave for extension of time to file an appeal out of time.
3. The primary reason the applicant advances for not filing the appeal in time is that he was unable to raise the Kshs.50,000/- demanded by the High Court at Siaya, for the preparation of the record of appeal within time by virtue of being a pauper.
4. When the application was served on the respondent, its reaction was terse and in terms that: “...we have perused the Notice of Motion seeking extension of time to appeal to consider its arguability (sic) and note that the applicant intends to challenge the High Court’s conviction and life sentence. On that ground alone, we concede that the appeal is not frivolous. Further, for a person imprisoned for life, we consider the lapsed period in filing this application not inordinate. The upshot is that, we have no objection to the court exercising its discretion in the matter and grant the application for extension of time...”



5. This being the case therefore, the order that best commends itself to me is that by consent of the parties, the applicant is granted an extension of time within which to lodge and serve the Notice as well as record of appeal. He should undertake such an exercise within the next forty-five (45) days from the date of this Ruling.

DATED AND DELIVERED AT KISUMU THIS 31ST DAY OF JULY, 2025.

ASIKE-MAKHANDIA

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JUDGE O APPEAL

I certify that this is a true copy of the original

DEPUTY REGISTRAR

