



**Okoth v Republic (Criminal Appeal (Application)
E023 of 2024) [2024] KECA 868 (KLR) (26 July 2024) (Ruling)**

Neutral citation: [2024] KECA 868 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT KISUMU
CRIMINAL APPEAL (APPLICATION) E023 OF 2024
HM OKWENGU, JA
JULY 26, 2024**

BETWEEN

JOHN OKETCH OKOTH APPLICANT

AND

REPUBLIC RESPONDENT

*(Being an Application for extension of time to appeal the Judgment of Aburili,
J. delivered on 19th August, 2019 in Siaya High Court in HCA 04 OF 2018)*

RULING

1. By an undated Notice of Motion filed in person, the applicant has moved this Court seeking an order for extension of time to enable him file an appeal out of time. From the grounds stated in the application and a supporting affidavit sworn by the applicant, it is apparent that the intended appeal is against the judgment of Aburili, J. delivered on 19th August, 2019, at Siaya High Court.
2. The applicant is aggrieved by the 30 years sentence that was substituted by the High Court, for the sentence of life imprisonment that was imposed by the trial court.
3. Considering that the applicant who is currently in prison serving his sentence, has made this application in person, notwithstanding the apparent technical flaws in the motion, it is only fair that in accordance with Article 159(1)(d) the applicant be given the opportunity to exercise his right of appeal.
4. Consequently, the application is allowed, and the applicant is granted leave to file his appeal out of time. The appeal shall be filed within 14 (fourteen) days from today.

DATED AND DELIVERED AT KISUMU THIS 26TH DAY OF JULY, 2024

HANNAH OKWENGU

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JUDGE OF APPEAL

I certify that this is a true copy of the original

DEPUTY REGISTRAR

