



**Sawe v Republic (Miscellaneous Criminal Case E095 of 2024)  
[2025] KEHC 9045 (KLR) (27 June 2025) (Ruling)**

Neutral citation: [2025] KEHC 9045 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT ELDORET  
MISCELLANEOUS CRIMINAL CASE E095 OF 2024  
RN NYAKUNDI, J  
JUNE 27, 2025**

**BETWEEN**

**PETER KIPKETER SAWE ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The applicant has approached this court seeking leave to appeal out of time and be supplied with a copy of the court proceedings for purposing of instituting an appeal. In support of the application, the applicant swore a supporting affidavit in which he deposed as follows:
  - a. That I am a male Kenyan adult of sound mind and the appellant herein and as such conversant with the facts of the case and therefore competent to swear this affidavit
  - b. That I was charged with the offence of defilement c/sec 8(1) as read with section (3) of the [Sexual Offence Act](#) No 3 of 2006, and sentenced to 20 years' imprisonment
  - c. That I was not supplied with court proceedings record leading to my appeal out of time
  - d. That due to my earlier intention to appeal, I beg leave of this honorable court for an extension time to appeal
  - e. That I pray to be supplied with a copy of the court proceedings and its judgement
  - f. That further grounds shall be adduced at the hearing of this appeal
  - g. That I wish to be present during the hearing and determination of this appeal out of time
  - h. That what I have deponed herein is true to the best of my knowledge and belief



**Decision**

2. Notably the applicant is seeking to be supplied with the typed record and judgement in criminal case No 49 of 2019. This being one of the fair trial rights under Art. 50 of the Constitution, the Deputy Registrar of the High court is hereby directed to ensure that within 21 days the applicant has received the case docket file to prepare for his appeal
3. Orders accordingly

**SIGNED, DATE AND DELIVERED AT ELDORET THIS 27<sup>TH</sup> DAY OF JUNE 2025**

.....

**R. NYAKUNDI**

