



**Abadiba v Republic (Criminal Appeal E030 of 2022)
[2023] KEHC 2645 (KLR) (28 March 2023) (Ruling)**

Neutral citation: [2023] KEHC 2645 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT GARISSA
CRIMINAL APPEAL E030 OF 2022
JN ONYIEGO, J
MARCH 28, 2023**

BETWEEN

ADAN WEDA ABADIBA APPELLANT

AND

REPUBLIC RESPONDENT

RULING

1. I have considered the chamber summons which is not dated seeking leave of court to appeal out of time. According to the appellant he did not know how to apply for leave and that in any event there was no electricity (power) within Wajir town.
2. However, the appeal is not opposed. Sentence was delivered on April 28, 2022 and this appeal filed on June 14, 2022 translating to about 1 ½ month's delay. I do not find the same unreasonable. Considering that the applicant is a lay person. I will grant him an opportunity to exhaust his right of appeal.
3. Accordingly, application is allowed as prayed. To that extent, the appeal is admitted and parties to file their respective submissions within 30 days. Hearing June 26, 2023.

RULING READ, DELIVERED IN OPEN COURT THIS...28TH DAY OF MARCH, 2023.

J N ONYIEGO

JUDGE

28- 03-2023

In the Presence of:

Appellant/ Applicant

Mr Kihara for the state.

Martin/ Mohamed- Court Assistants.

