



REPUBLIC OF KENYA



**KENYA LAW**  
THE NATIONAL COUNCIL FOR LAW REPORTING  
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**Herman v Republic (Miscellaneous Criminal Case E191 of 2023)  
[2023] KEHC 17854 (KLR) (Crim) (29 May 2023) (Ruling)**

Neutral citation: [2023] KEHC 17854 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
CRIMINAL  
MISCELLANEOUS CRIMINAL CASE E191 OF 2023**

**DR KAVEDZA, J**

**MAY 29, 2023**

**BETWEEN**

**OPANGA CLYDE HERMAN ..... APPELLANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. I have gone through the applicant's undated Notice of Motion application and the supporting affidavit thereof. The applicant seeks leave to file the appeal out of time on the ground that his family were to hire an advocate but encountered financial constraints, resulting in the delay of his appeal. I am satisfied that the application is merited. The same is accordingly allowed:
  - a. The applicant is granted leave to file the appeal out of time within fourteen (14) days with effect from 30/5/2023.
  - b. The respondent to be served with a copy of the ruling.
  - c. File closed.

**RULING READ AND DELIVERED IN ABSENCE OF BOTH PARTIES THIS 29<sup>TH</sup> DAY OF MAY 2023.**

**D. KAVEDZA**

**JUDGE**

