



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

MISC. CRIMINAL APPLICATION NO. 10 OF 2013

REPUBLIC.....APPLICANT

VERSUS

DAVID THITHIBA.....1ST RESPONDENT

PETER KIMATHI.....2ND RESPONDENT

JOHN KOOME.....3RD RESPONDENT

MARTHA NKORO.....4TH RESPONDENT

RULING

Office of Director of Public Prosecutions vide Chamber summons dated 30th January 2019 sought that petition of appeal of even date be admitted out of time for reasons certified copies of proceedings hence served on them late but the delay was not inordinate.

It was argued that the intended appeal had overwhelming chances of success and that it will serve the interest of justice if it is allowed to be filed out of time. The application was supported by the affidavit sworn by Gitonga Muriuki on 30th January 2019.

In consideration of the constitutional right of appeal accorded to every citizen this court finds that the application for leave to appeal has not delayed inordinately considering judgment was only rendered on 17th December 2018. The application is therefore allowed. He applicants granted leave to appeal within 14 days.

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HON. A.ONG'INJO

JUDGE

RULING SIGNED, DELIVERED AND DATED THIS 28TH DAY OF FEBRUARY 2019.

In the presence of:

CA:-Kinoti

Ms Mbithe for state

Ms H. Gitonga and Co Advocates for Respondents – N/A

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HON. A.ONG'INJO

JUDGE