

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NANYUKI

MISC CRIMINAL APPLICATION NO 22 OF 2019

(In the Matter of Maralal PM Traffic Case No28 of 2017)

REPUBLIC.....APPLICANT

VERSUS

JOHN KARINA KURIA.....RESPONDENT

R U L I N G

1. This is an application by the **Director of Public Prosecutions** for leave to appeal out of time against the acquittal of the Respondent, **JOHN KARINA KURIA**, in **Maralal PM Traffic Case No 28 of 2017**, where he faced a charge of **causing death by dangerous driving**. The Respondent was acquitted after a full trial. He has opposed the application.
2. It is rather unusual for the **Director of Public Prosecutions** to appeal against an acquittal that has happened after a full trial; but he undoubtedly has that right of appeal. The court will not lightly deny him an opportunity to appeal, the presumption being that indeed he has a very good reason to want to appeal.
3. I am satisfied with the reasons given for the delay in appealing. I will therefore allow the application. The Applicant may file his petition of appeal within fourteen (14) days of today. It is so ordered.

DATED AND SIGNED AT NANYUKI THIS 18TH DAY OF DECEMBER 2019

H P G WAWERU

JUDGE

DELIVERED AT NANYUKI THIS 19TH DAY OF DECEMBER 2019