

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

MISCELLANEOUS CRIMINAL CASE NO. 11 OF 2017

(in the matter of an intended Appeal)

Between

MWITHARIE NTONGAIAPPLICANT

VERSUS

REPUBLICRESPONDENT

RULING

This is an application to appeal out of time. I have considered the Affidavit in Support of the application. The reason advanced for the delay is that the Appellant had expected his family to get an Advocate and appeal within the stipulated 14 days time but failed to do so.

Although the time taken to make the application is unreasonable (2 years), for reason of the long sentence, I will give the Appellant a chance to test the lower Court decision.

Accordingly, I allow the application. The Petition of Appeal is deemed to be filed with leave. Let the registry open an appeal file and call for proceedings. This file is closed.

DATED, SIGNED AND DELIVERED THIS 28TH DAY OF MARCH, 2017

A. MABEYA

JUDGE

28/03/2017