



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT MERU**

**MISCELLANEOUS CRIMINAL APPLICATION NO. 28 OF 2017**

**JOHN MARETE.....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**RULING**

I have considered the application and the grounds thereof. I note that the Applicant had been promised by his relatives that they will lodge an appeal on his behalf which never came to pass. I am aware that there has been a terrible delay of three (3) years in bringing the current application.

However, I note that the State is not opposed to the Applicant getting a second chance in having his case considered. Further, the nature of the sentence (life) warrant the Applicant being accorded a second chance.

Accordingly, I allow the application as prayed. Let the Petition of Appeal be served upon the Director of Public Prosecutions (DPP) forthwith as it is deemed as filed within time.

A criminal case file be for the Applicant's Appeal and this file be closed.

**DATED at MERU this 18<sup>TH</sup> day of MAY, 2017.**

**A. MABEYA**

**JUDGE**

**18/05/2017**