

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MERU

MISC. CRIMINAL APPLICATION NO. 37 OF 2017

STEPHEN JAMES GITONG.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

Having considered the application, I find that there has been inordinate delay in applying for leave to appeal out of time. It is 20 months since the judgment sought to be appealed against was delivered. The reason for the delay is that the Applicant expected his relatives to help him in lodging the appeal which never came to be.

Be that as it may, in order not to shut the Applicant from having his case considered a second time, and for reason that he still has five (5) years to go on his sentence, I will allow the application.

Leave is hereby granted. The Petition of Appeal filed in Court is deemed to have been filed with leave. Let the same be served upon the Director of Public Prosecutions forthwith. A file for the Appeal be opened and this file be closed.

DATED and DELIVERED at Meru this 20th day of June, 2017.

A. MABEYA

JUDGE

20/06/2017

PRESENT:

Kinyua, Court Assistant

Mr. Mulochi for State

Applicant – Present in Person