



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NYERI**

**Misc Crim Appli 60 of 2005**

**PETER NGATIA MUHORO ..... APPLICANT**

**VERSUS**

**REPUBLIC ..... RESPONDENT**

**R U L I N G**

The applicant Peter Ngatia Muhoro has come to this court under section 349 and 356 of the Criminal Procedure Code seeking leave to file his appeal out of time and also to be admitted on bail pending the lodging of his appeal. The applicant has explained the delay in filing his appeal as resulting from delay in obtaining proceedings and also failure or inability of his relatives to raise the required funds within time. The applicant pleads that his intended appeal has high chances of success and that if he is not admitted to bail he is likely to finish serving the two year sentence before his appeal is heard.

I have considered the application and looked at the proceedings, judgment and draft grounds of appeal.

The appellant has given a reasonable explanation for his failure to file the appeal within time. I think it is only fair and just that he be given an opportunity to be heard on his appeal.

Although no proper appeal has been filed section 356(1) empower the court to grant bail pending the filing of any appeal. I do therefore allow this application and grant leave to the applicant to file his appeal within 14 days from the date hereof.

I further order that the applicant be admitted to bail pending appeal on a cash bail of Kshs.20,000/=.

Those shall be the orders of this court.

***Dated this 3<sup>rd</sup> May 2006***

**H. M. OKWENGU**

**JUDGE**