

IN THE HIGH COURT OF KENYA
AT NAIROBI
CRIMINAL DIVISION
CRIMINAL APPLICATION NO. 696 OF 2004

(In the matter of an intended appeal)
Between

PETER THAGICHU NDUNGU.....APPLICANT
VERSUS
REPUBLIC.....RESPONDENT

RULING

The applicant applies for leave to file his appeal out of time. The application is supported by an affidavit sworn by him. He was convicted on 27th October, 2004. He submits that he delayed to file his appeal because his relatives had promised him that they could hire a lawyer to appeal for him but they were unable to raise the required fee to hire a lawyer.

The application is not opposed by the state.

Application is allowed. The appellant's memorandum of appeal annexed to this application is deemed to have been filed and the same to be served to the state.

Dated and delivered this 10th day of February, 2005.

J..L.A. OSIEMO
JUDGE