

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT KAKAMEGA

Misc Crim Appli 49 of 2005

NATHANIEL OKWEMBA

OLUOBOAPPLICANT

V E R S U S

THE ATTORNEY GENERALRESPONDENT

R U L I N G

I have perused the application dated 10-6-2005 made by Nathaniel Okwemba Oluobo and have given due consideration to the submissions made by Mr. Kaburi. The application seeks leave to file appeal out of time against the whole of the judgement and sentence by the Honourable P. K. Sultan, Senior Resident Magistrate, made on 03-03-2005 in Mumias Senior Resident Magistrate Court Criminal case No. 1267 of 2003. Mrs. Kithaka, Principal State Counsel did not oppose the application.

I am satisfied that the Applicant's failure to enter the appeal within 14 days was caused by his inability to obtain a copy of the judgement intended to be appealed from within time. Mrs. Kithaka, the Principal State Counsel, rightly conceded the application. I allow the application and order that the Petition of Appeal be filed within 14 days of today. It is so ordered.

Dated at Kakamega this 14th day of July, 2005.

G. B. M. KARIUKI

J U D G E