

IN THE HIGH COURT OF KENYA AT KISII

CRIMINAL MISC.APPLIC.NO.31 OF 2004

(From original conviction and sentence of the Resident Magistrate's court at SOTIK in criminal case No.1145 of 2004)

REPUBLIC APPLICANT

VERSUS

PAUL LANGAT RESPONDENT

RULING:

I have considered the application and the objection. The application has no merit. Applicant received lower court's proceedings "sometimes in January 2004." However this application was filed on 16/4/04 – a whole 3 months later. There was no explanation why they took this long. Time started running on the day they received the proceedings. I find the delay was inordinate and not explained. I would concur with the respondent that this application may be due to the civil case, which was filed, by the respondent. It was filed and served before this application was brought.

In the circumstances the application is dismissed.

KABURU BAUNI

JUDGE

27/5/04

Mr. Anyona for Mrs. Asati for the respondent