



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT KISII**  
**MISC. APPLICATION NO.41 OF 2004**

**ZAKARIA ACHIKI OMBOGO ..... APPLICANT**

**VERSUS**

**REPUBLIC ..... RESPONDENT**

**RULING:**

Applicant seeks to be allowed to appeal out of time. He was convicted on 14th May 2003. He told court that he applied for typed proceedings and obtained them on 20th June 2003. He instructed the firm of M/s Nyamwange and Co. to institute appeal. They did not do so.

On 29/4/04 he instructed the firm of Nyamweya Osoro & Co. They filed this application on 25th May 2004.

I have considered the application. I find it has no merit. The applicant took almost one year to bring this application. He received typed proceedings on 20th June 2003. That is when time started running. He tried to blame the firm of M/s Nyamwange & Co. for the delay. He however cannot also escape blame. He could not have waited for a whole year to switch advocates.

Application is dismissed.

**KABURU BAUNI**

**JUDGE**