



**Ngeno v Prosecution (Criminal Miscellaneous Application
E134 of 2024) [2025] KEHC 2512 (KLR) (17 February 2025) (Ruling)**

Neutral citation: [2025] KEHC 2512 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
CRIMINAL MISCELLANEOUS APPLICATION E134 OF 2024
DO CHEPKWONY, J
FEBRUARY 17, 2025**

BETWEEN

SAMWEL KIBET NGENO APPLICANT

AND

PROSECUTION RESPONDENT

RULING

1. The matter is for mention for parties to take directions on the Notice of Motion filed on 22nd October, 2024, in which the Applicant is seeking for leave to appeal out of time. The same is premised on the grounds set out on its face and the Supporting Affidavit of the Applicant.
2. The Respondent, through M/S Ndeda, the State counsel, has not opposed the application.
3. In view of this, the Notice of Motion application dated 22nd October, 2024 be and is hereby allowed on the following terms:-
 - a. The Applicant be and is hereby granted leave to file an appeal out of time.
 - b. The Appellant to file and serve his appeal within 14 days from the date hereof to enable an appeal file be opened.
 - c. The Deputy Registrar to compile, file and serve the Record of Appeal.
 - d. Mention on 6th March, 2025 for parties to confirm:-
 - i. Opening of the appeal file.
 - ii. Filing and service of Record of Appeal.
 - iii. Further directions.

It is so ordered.



RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU THIS 17TH DAY OF FEBRUARY, 2025.

D. O. CHEPKWONY

JUDGE

In the presence of:

Applicant in person –present

M/S Ndeda counsel for Respondent

Court Assistant - Martin

