



**Njenga v Republic (Criminal Appeal E016 of 2024)
[2024] KEHC 3390 (KLR) (9 April 2024) (Ruling)**

Neutral citation: [2024] KEHC 3390 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL APPEAL E016 OF 2024**

DR KAVEDZA, J

APRIL 9, 2024

BETWEEN

MOSES MWANGI NJENGA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. I have considered the undated notice of motion application and the supporting affidavit of the applicant seeking leave to appeal out of time.
2. I note that the applicant is seeking leave to file an appeal out of time, yet he has not filed a miscellaneous application.
3. The error occurred when the applicant filed his notice of motion application under the head of an appeal, and the Case Tracking System (CTS) correctly allocated an appeal number to the application, instead of a miscellaneous number.
4. For this reason, the undated notice of motion application is hereby stuck out. The applicant is at liberty to file a proper miscellaneous application seeking leave to appeal out of time.

Orders accordingly.

RULING DATED AND DELIVERED THIS 9TH DAY OF APRIL 2024

D. KAVEDZA

JUDGE

