



**Nyasim v Republic (Miscellaneous Criminal Application E119 of 2004) [2024] KEHC 9170 (KLR) (23 July 2024) (Ruling)**

Neutral citation: [2024] KEHC 9170 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
MISCELLANEOUS CRIMINAL APPLICATION E119 OF 2004**

**MS SHARIFF, J  
JULY 23, 2024**

**BETWEEN**

**BRIAN NYASIM ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. I have considered the Applicant’s notice of motion dated 13.6.2024 and the affidavit in support thereof and I note that the Applicant cites the failure to obtain a copy of the judgment and trial court’s records as the reasons that occasioned his delay in lodging his appeal.
2. In light of the above cited reasons I do find that this application is well merited and I thus allow it and I make the following orders:-
  1. The Applicant is granted leave to file an appeal out of time within 7 days from the date hereof.
  2. Mention on 30.7.2024 to confirm compliance.

**DATED, SIGNED AND DELIVERED THIS 23<sup>RD</sup> DAY OF JULY, 2024.**

**M. S. SHARIFF**

**JUDGE**

