



**Republic v Wanyoike (Miscellaneous Criminal Application  
E043 of 2022) [2023] KEHC 515 (KLR) (2 February 2023) (Ruling)**

Neutral citation: [2023] KEHC 515 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT VOI  
MISCELLANEOUS CRIMINAL APPLICATION E043 OF 2022**

**A. ONG'INJO, J  
FEBRUARY 2, 2023**

**BETWEEN**

**REPUBLIC ..... APPLICANT**

**AND**

**HEZEKIEL MACHARIA WANYOIKE ..... RESPONDENT**

**RULING**

1. By a notice of motion dated September 26, 2022 the state sought for leave to file appeal out of time. The application is supported by the grounds on its face & affidavit of Franklin Sirima - Prosecution Counsel sworn on 26<sup>th</sup> September 2022.
2. The application was opposed by Hezekiel Macharia Wanyoike replying affidavit sworn on 7<sup>th</sup> November 2022. The Respondent also filed submissions dated 14<sup>th</sup> November 2022.
3. I have considered the application and find that there was no inordinate delay in seeking for orders herein. The application for leave to file appeal out of time is allowed.
4. The State/Applicants have a further 14 days to file appeal.

**DATED, SIGNED AND DELIVERED IN OPEN COURT THIS 2<sup>ND</sup> DAY OF FEBRUARY 2023**

**HON. LADY JUSTICE A. ONG'INJO**

**JUDGE**

**In the presence of:-**

Otolo - Court Assistant

Mr. Angiema Advocate for Respondent

Mr. Sirma for State

