



County Government of Kisumu Public Health Department v Holy Ghost Coptic Church of Africa (Administration) & 3 others (Miscellaneous Criminal Application 013 of 2023) [2023] KEHC 2163 (KLR) (16 March 2023) (Ruling)

Neutral citation: [2023] KEHC 2163 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION 013 OF 2023
RE ABURILI, J
MARCH 16, 2023**

BETWEEN

COUNTY GOVERNMENT OF KISUMU PUBLIC HEALTH DEPARTMENT APPLICANT

AND

HOLY GHOST COPTIC CHURCH OF AFRICA (ADMINISTRATION) 1ST RESPONDENT

JOHN JUMA PESA 2ND RESPONDENT

DIRECTOR HOLY GHOST CHURCH OF AFRICA 3RD RESPONDENT

FAMILY MEMBERS/RELATIVES 4TH RESPONDENT

RULING

1. I have perused the application dated March 15, 2023 seeking for leave to appeal out of time from the ruling and order of Hon F Rashid, Principal Magistrate, Winam Law Courts rendered on February 23, 2023.
2. I observe that the delay is not inordinate and the reasons given for the delay are satisfactory as the applicant, a public body was under the mistaken belief that the number of days for appeal are exclusive of weekends.
3. In the premises, I hereby allow the application dated March 15, 2023 and grant leave to the applicant to file and serve upon the respondents herein a petition of appeal within fourteen (14) days of today and in default, the leave granted shall lapse.
4. I so order, and direct the registry in-charge to notify the applicant of this order.



5. Order to be typed and extracted.

6. This file is now closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 16TH DAY OF MARCH, 2023

R. E. ABURILI

JUDGE

