

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KITUI

CRIMINAL APPEAL NO. 102 OF 2015

RICHARD MUTIE MBINDYO.....APPELLANT

VERSUS

REPUBLIC RESPONDENT

*(Being an appeal from the original conviction and sentence in **Kitui Chief Magistrate's Court Criminal Case No. 510 of 2015** by **Hon. A. S. Lesootia S R M** on 09/06/15)*

RULING

1. By an application dated **28th December, 2015**, the Applicant seeks leave to appeal out of time. The application is based on grounds that the Applicant was not able to appeal within the required **fourteen (14) days** because his relatives who were to hire a lawyer to represent him failed to act due to financial constraints.
2. The application is unopposed. The State through **Ms. Amojong** responded that they had no reason to oppose it. In the premises, I grant the Applicant leave to appeal out of time within **14 days**.
3. It is so ordered.

Dated, Signed and Delivered at Kitui this 1st day of March, 2016.

L. N. MUTENDE

JUDGE