



**IN THE COURT OF APPEAL**  
**AT KISUMU**  
**(CORAM: KWACH, J.A. (IN CHAMBERS))**  
**CRIMINAL APPLICATION NO. NAI. 5 OF 1999**

**BETWEEN**  
**MOSES SHIVACHI SHIKALI .....APPLICANT**

**AND**

**REPUBLIC .....RESPONDENT**

**(Application for Leave to appeal out time from a judgment  
of the High Court of Kenya at Kakamega (Mr. Justice Tanui)  
d3radt edA pril, 1998**

**in**

**H.C.CR.C. NO. 269 OF 1997)**

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**R U L I N G**

As the appeal was heard and determined in the absence of the applicant he has a legitimate grievance. His constitutional right a fair and impartial trial was violated. Accordingly, I allow this application and extend the time for filing an appeal by thirty days from today.

**Dated and delivered at Kisumu this 18th day of March, 1999.**

**R. O. KWACH**

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**JUDGE OF APPEAL**

I certify that this is a true copy of the original.

**DEPUTY REGISTRAR**