



**REPUBLIC OF KENYA**  
**IN THE COURT OF APPEAL**  
**AT KISUMU**  
**(CORAM: GICHERU, J.A (IN CHAMBERS))**  
**CRIMINAL APPLICATION NO. NAI. 1 OF 1998 (KSM 4/98)**  
**BETWEEN**

**HILLARY BWIRE WAFULA.....APPLICANT**  
**AND**  
**REPUBLIC.....RESPONDENT**

**(Application for extension of time within which to serve  
notice of Appeal in an intended Appeal from the  
Judgment of the High Court of Kenya at Kakamega (Mr.  
Justice Tanui) dated 13th November, 1995**

**in**  
**H.C.C.CR. APP.NO. 236 OF 1995)**

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**R U L I N G**

**The applicant's Notice of Appeal was lodged in the superior court on 27th November, 1995 which was 14 days from the date of the decision of the superior court intended to be appealed from. It was, however, endorsed by the Deputy Registrar of the superior court on 28th November, 1997 - one day after the same had been lodged by the applicant. There does not therefore appear to have been a delay in lodging the said Notice of Appeal by the applicant and in the circumstances the same is deemed to have been lodged within the prescribed period. The result of the applicant's application is therefore that it succeeds to the extent aforementioned.**

Dated and delivered at Kisumu this 23rd day of March, 1998.

**J.E. GICHERU .**

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**JUDGE OF APPEAL**

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

**DEPUTY REGISTRAR**