

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI
CRIMINAL DIVISION
MISC. APPLICATION NO.205 OF 1995

**(In the matter of an intended appeal in Criminal Case No.7408
of 1992 of the Ag. Resident Magistrate's Court at Makadara).**

Between

PETER MITAMBO KUNGURU.....APPLICANT
V E R S U S
REPUBLIC.....DEFENDANT

R U L I N G

This is an application for leave to appeal out of time.

The conviction was on 26th January, 1995 and an application for the proceedings was made by the learned advocate for the applicant on 3rd February, 1995 and received by him on 15th March, 1995. The present application was filed on 23rd May, 1995. The affidavit in support was sworn on 15th May, 1995.

The learned advocate, Mr. Mbugua Mureithi wants this court to believe that the above delay was not inordinate as he needed all that time to go through the record after its receipt by him thereof on 15th March, 1995. To say the least, I remain far from convinced by his said argument. The record is not that long nor involving complicated points. Even in cases where the records were to be long no one can justify delay of so long a period in filing a simple application such as this one to start with.

I hold that there is no good ground given for the delay that was inordinate. The application is dismissed.

Dated and delivered at Nairobi this 8th day of June, 1995.

V.V. PATEL

JUDGE