



REPUBLIC OF KENYA
IN THE COURT OF APPEAL
AT NAKURU
CORAM: BOSIRE, AG. J.A. (IN CHAMBERS)
CRIMINAL APPLICATION NO. NAI 18 OF 1997

BETWEEN

KITONGA MBUNDU APPLICANT

AND

REPUBLIC RESPONDENT

(Appeal from a judgment of the High Court of Kenya at Eldoret)

(Nambuye J) dated 14th February, 1995

in

H.C.C.R.A. NO. 275 OF 1994)

R U L I N G

This is a fit case for extension of time. The applicant was not notified immediately of the summary rejection of his appeal to the High Court. The blame lies with the prison authority under whose custody

the applicant was and still is. He filed a notice of appeal out of time without first obtaining an order extending time. The appeal he filed was struck out for being incompetent. It is trite that he may restart de novo the appellate process. In the circumstances I allow the application and extend the time within which to file a fresh notice of appeal.

Dated and delivered at Nakuru this 25th day of September, 1997.

S. E. O. BOSIRE

AG. JUDGE OF APPEAL

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