



REPUBLIC OF KENYA
IN THE COURT OF APPEAL

AT NAKURU

CORAM: BOSIRE, AG. J.A. (IN CHAMBERS)

CRIMINAL APPLICATION NO. NAI 17 OF 1997

BETWEEN

KULALIA NGATIA 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

The applicant's application for extension of time within which to file a fresh notice of appeal has merit. The applicant's appeal to the superior court was summarily rejected. However, that decision was not communicated to the applicant on time. He filed a notice of appeal, although late, as soon as he was made aware of the summary rejection of his appeal. The appeal he later filed was struck out for being incompetent. Clearly this is a proper case for extension of time. I accordingly extend the time within which to file a notice of appeal by 14 days. It is so ordered.

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

S. E. O. BOSIRE

AG.
I certify that
DEPUTY REGISTRAR

JUDGE
this is a true copy of the **APPEAL**
original.