



**Langat alias Peter v Republic (Criminal Application E085 of 2025)
[2025] KECA 1927 (KLR) (19 November 2025) (Ruling)**

Neutral citation: [2025] KECA 1927 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT NAKURU
CRIMINAL APPLICATION E085 OF 2025
PM GACHOKA, JA
NOVEMBER 19, 2025**

BETWEEN

KIPKORIR LANGAT ALIAS PETER APPLICANT

AND

REPUBLIC RESPONDENT

*(An application for leave to appeal out of time against the conviction
and sentence by the High Court of Kenya at Bomet (R. Korir, J.)
delivered on 22nd November 2023 in HCCRC No. 21 of 2019)*

RULING

1. The applicant has filed a Notice of Motion dated 30th September 2025 seeking leave to appeal out of time against his conviction and sentence by the Bomet High Court in HCCRC No. 21 of 2023(R.Korir J). The applicant faced two counts of murder contrary to section 203 as read with section 204 of the Penal Code. After full trial, the applicant was convicted on both counts and sentenced to 50 years imprisonment. Those sentences were ordered to run concurrently.
2. The applicant is aggrieved by those findings hence the application. It is supported by the grounds on the face of it and the applicant's supporting affidavit. He seeks leave to appeal out of time for the reason that he is yet to receive a copy of the judgment and the proceedings to enable him file his appeal in good time. He urged this Court to invoke the provisions of Article 50 (2) (q) of *the Constitution* since no prejudice would be met by the respondent if the orders sought are granted.
3. In its written submissions dated 10th November 2025, the state, through Senior Assistant Director of Public Prosecutions Mr. Omutelema, submitted that it did not oppose the application as the sentence meted out is lengthy.



4. Under rule 4 of this Court’s Rules 2022, discretion is given to extend time for the doing of any act provided for under the Rules. In *Fahir Mohammed vs. Joseph Mugambi & 2* [2005] eKLR, others this Court summed up the following principles when considering an application invoked in this rule:

“The exercise of this Court’s discretion under Rule 4 has followed a well-beaten path since the stricture of “sufficient reason” was removed by amendment in 1985. As it is unfettered, there is no limit to the number of factors the court would consider so long as they are relevant. The period of delay, the reason for the delay, (possibly) the chances of the appeal succeeding if the application is granted, the degree of prejudice to the respondent if the application is granted, the effect of delay on public administration, the importance of compliance with time limits, the resources of the parties, whether the matter raises issues of public importance-are all relevant but not exhaustive factors: See *Mutiso vs Mwangi Civil Appl. NAI. 255 of 1997 (ur)*, *Mwangi vs Kenya Airways Ltd* [2003] KLR 486, *Major Joseph Mwereri Igweta vs Murika M’Ethare & Attorney General Civil Appl. NAI. 8/2000 (ur)* and *Murai v Wainaina (No 4)* [1982] KLR 38.”

5. I have considered the reason advanced by the applicant as set out in the application. I have also considered the respondent’s submissions and the law. I am satisfied to hold that the application has met the threshold for the exercise of discretion by this Court. He has explained the delay in filing the application. Though inordinate, the delay of two years is excusable. Accordingly, the applicant shall file his notice of appeal within 14 days from the date of this order. Thereafter, the record of appeal shall be filed and served within 30 days.

DATED AND DELIVERED AT NAKURU THIS 19TH DAY OF NOVEMBER 2025.

M. GACHOKA C.Arb, FCIArb.

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JUDGE OF APPEAL

I certify that this is a True copy of the original

Signed

DEPUTY REGISTRAR

