



REPUBLIC OF KENYA



KENYA LAW
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**Lang'at v Republic (Criminal Application E047 of 2025)
[2025] KECA 1849 (KLR) (10 November 2025) (Ruling)**

Neutral citation: [2025] KECA 1849 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT NAKURU
CRIMINAL APPLICATION E047 OF 2025
JM MATIVO, JA
NOVEMBER 10, 2025**

BETWEEN

BENARD KOECH LANG'AT APPLICANT

AND

REPUBLIC RESPONDENT

(Being an application for extension of time to appeal against conviction and sentence in the High Court of Kenya at Narok (Bwononga, J.) dated 5th April, 2018 in CR Case No. 25 of 2017)

RULING

1. Benard Koech Langat (the applicant) was charged before the High Court in Narok in CR Case No. 25 of 2017 with the offence of murder contrary to section 203 as read with section 204 of the Penal Code. A trial ensued and in a judgment delivered on 5th April 2018 Bwononga, J. convicted and sentenced the appellant to serve 50 years imprisonment. Although aggrieved, he failed to lodge his notice of appeal within the statutory-stipulated period of 14 days. By an application dated 19th March 2025, the subject of this ruling, the applicant seeks extension of time to appeal against the said decision.
2. In his supporting affidavit dated 19th May 2025, the applicant contends that the delay in lodging his appeal was occasioned by the delay in being furnished with court proceedings. In support of his application, the applicant has attached letter dated 22nd May 2018 sent to the Deputy Registrar, Narok High Court requesting for the proceedings and a copy of his notice of appeal and memorandum of appeal to demonstrate that his intended appeal has high chances of success.
3. In his written submissions dated 3rd November 2025, Mr. Omutelema Senior Assistant Director of Public Prosecution conceded to the leave pointing to the lengthy sentence of 50 years imprisonment and the intended appeal being the first appeal.



4. I have considered the reasons advanced by the applicant. I have also considered the draft notice of appeal and the draft memorandum of appeal annexed to the application. However, I note that the instant application seeks similar orders and replicates Criminal Application E242 of 2024 filed before this Court which was heard and determined by Korir, JA who dismissed it by a ruling dated 9th May 2025. The applicant has deliberately concealed the existence of the said application and instead opted to hoodwink this Court into believing that he is now “Benard Koech Lang’at” and not “Benard Lang’at Koech”. That notwithstanding, the circumstances under which the applicant’s Criminal Application E242 of 2024 was dismissed have not changed. That being the case, I find this application is devoid of merit and is an abuse of the Court process. It is hereby dismissed.

DATED AND DELIVERED AT NAKURU THIS 10TH DAY OF NOVEMBER 2025.

J. MATIVO

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JUDGE OF APPEAL

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

Signed.

DEPUTY REGISTRAR.

