



REPUBLIC OF KENYA



KENYA LAW
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**Ngetich v Republic (Criminal Application E054 of 2025)
[2025] KECA 1885 (KLR) (11 November 2025) (Ruling)**

Neutral citation: [2025] KECA 1885 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT NAKURU
CRIMINAL APPLICATION E054 OF 2025
JM MATIVO, JA
NOVEMBER 11, 2025**

BETWEEN

ROBERT KIPKORIR NGETICH APPLICANT

AND

REPUBLIC RESPONDENT

(Being an application for extension of time to file an appeal against the judgment of the High Court of Kenya at Nakuru (J. Mulwa, J.) dated 6th March 2015 in CRA No. 99 of 2014)

RULING

1. The applicant, Robert Kipkorir Ngetich was convicted for the offence of defilement contrary to section 8 (1) as read with 8
(2) of the *akn ke act 2006 3 Sexual Offences Act* in Narok Chief Magistrate's Court Criminal Case No. 1859 of 2013, and sentenced to life imprisonment on 2nd May 2014. His appeal to the High Court at Narok being CRA No. 99 of 2014 was dismissed by Mulwa J. on 6th March 2015. He failed to lodge his notice of appeal within the statutory-stipulated period of 14 days. In his application dated 26th May 2025, the subject of this ruling, he seeks extension of time to appeal against the said judgment on grounds that due to lack of legal representation, limited knowledge of appellate procedures and limited access to legal advice, he was unable to file his second appeal on time. He also states that he has since obtained assistance from the prisons paralegals and is now desirous of pursuing his second appeal.
2. In his written submissions dated 3rd November 2025, Mr. Omutelema Senior Assistant Director of Public Prosecution opposed the application urging that the delay of over 10 years has not been explained.



3. Rule 4 of the Court of Appeal Rules gives this Court unfettered discretion to extend the time limited by the Rules, or by any decision of the Court or of a Superior Court, for the doing of any act authorized or required by the Rules, whether before or after the doing of the act on such terms as it thinks just. The Supreme Court in *Nicholas Kiptoo Arap Korir Salat vs. IEBC and 7 Others* [2015] eKLR the Court ruled that:

“It is incumbent upon the applicant to explain the reasons for delay in making the application for extension and whether there are any extenuating circumstances that can enable the Court to exercise its discretion in favour of the applicant.”

4. It is settled law that in an application such as this, an applicant must give a reasonable and acceptable explanation for failure to file the appeal timeously. As pointed out by the respondent’s counsel, there has been an inordinate delay of over 10 years. I am not satisfied that this delay has been sufficiently accounted for. Accordingly, the application dated 26th May 2025 is hereby dismissed.

DATED AND DELIVERED AT NAKURU THIS 11TH DAY OF NOVEMBER 2025

J. MATIVO

..... **JUDGE OF APPEAL**

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

Signed.

Deputy Registrar.

