

**IN THE COURT OF APPEAL  
AT ELDORET**

**(CORAM: MATIVO, JA (IN CHAMBERS))**

**CRIMINAL APPLICATION NO. ELD E017 OF**

**2024 BETWEEN**

**EKIRU JOHN.....APPLICANT**

**AND**

**REPUBLIC.....RESPONDENT**

*(Being an application for leave to appeal out of time  
against the judgment of the High Court of Kenya at  
Lodwar (R.*

***Nyakundi, J.)** dated 4<sup>th</sup> April 2024*

***in***

***CRA No. E018 of 2021).***

*\*\*\*\*\**

**RULING**

1. In his undated application the subject of this ruling, Ekiru John (the applicant) prays for an order that his memorandum of appeal already filed be admitted out of time. His sole ground is that he did not lodge his appeal within time because he was not supplied with the High Court Judgment. In his submissions dated 10<sup>th</sup> February 2026, the respondent's counsel conceded to this application noting that the delay has been adequately explained.

2. I have considered the reasons offered in support of the undated application. I am persuaded that this is a proper case for me to exercise my discretion in his favour. The reason given is plausible. Accordingly, I allow the application and order that the applicant's notice of appeal and memorandum of appeal be and are hereby deemed as properly filed. The record of appeal shall be filed within 60 days from today.

**Dated and delivered at Eldoret this 19<sup>th</sup> February, 2026.**

**J. MATIVO**

**JUDICIARY**

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

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

**DEPUTY REGISTRAR**