

**IN THE COURT OF APPEAL
AT NAKURU**

CORAM: MATIVO, JA (IN CHAMBERS)

CRIMINAL APPLICATION NO. NAK. E094 OF

2025 BETWEEN

JAMES KURIA NGUGI.....APPLICANT

AND

REPUBLIC.....RESPONDENT

(Being an application for leave to appeal out of time from the judgment of the High Court of Kenya at Naivasha (J. Nzioka, J.) dated 20th September 2025

in

CRA NO. E007 OF 2023).

RULING

1. The application before the Court is dated 20th November, 2025.

The main prayer is for extension of time to appeal to the Court of Appeal against the judgment issued in HCCRA No. E007 of 2023.

2. The applicant, Peter Kieru Kariuki was arraigned, tried and convicted by the Chief Magistrates' Court in Criminal Case No. E088 of 20022 at Engineer for the offence of defilement contrary to section 8 (1) as read together with section 8 (4) of the Sexual Offences Act. He was sentenced to 20 years imprisonment. The applicant's appeal to the High Court

was

dismissed on both conviction and sentence. The applicant failed to lodge his notice of appeal within the statutory-stipulated time of fourteen (14) days.

3. In response to the application vide written submissions dated 17th December 2025, Mr. Omutelema Senior Assistant Director of Public Prosecution maintained that the applicant had not provided a copy of Judgment of the High Court as directed by this Court and therefore the application is opposed.
4. I have considered the application, I note that the instant application seeks similar orders and replicates Criminal Application No. E058 of 2025 filed before this Court, which was heard by *Gachoka, JA* and dismissed vide ruling dated 11th November 2025. It is also noteworthy that while dismissing the applicant's application, the applicant was granted leave to file a fresh application with full details on the date of judgment of the High Court. The applicant has not complied with the said directions.

5. In light of the applicant's non-compliances with the Court's directions, I am unable to exercise my discretion. The notice of motion dated 20th November, 2025 is hereby struck out. Dated and delivered at Nakuru this 12th day of February, 2026.

J. MATIVO

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

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

Signed.

DEPUTY REGISTRAR

