



REPUBLIC OF KENYA



KENYA LAW
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**Hinga v Republic (Criminal Application E046 of 2025)
[2026] KECA 765 (KLR) (24 April 2026) (Ruling)**

Neutral citation: [2026] KECA 765 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT NAIROBI
CRIMINAL APPLICATION E046 OF 2025
LM NJUGUNA, JA
APRIL 24, 2026**

BETWEEN

GEORGE KIRONJI HINGA APPLICANT

AND

REPUBLIC RESPONDENT

(An application for extension of time to lodge an appeal from the judgment of the High Court of Kenya at Nairobi (Ombija, J.) dated 16th June, 2021 in HCCRA No. 108 of 2005)

RULING

1. The application before me is dated 13th June 2025. The main prayer is for leave to appeal out of time against the judgment issued in HCCRA No. 108 of 2005.
2. The applicant, George Kironji Hinga, was arraigned before the High Court in Criminal Case No. 108 of 2005 at Nairobi and charged with the offence of murder contrary to section 203 as read with section 204 of the Penal Code. He was convicted and sentenced to death on 16th June 2011.
3. Although aggrieved, he failed to lodge his notice of appeal within the statutory-stipulated time of 14 days. The applicant contends that he has tried to appeal several times unsuccessfully. His present application invokes rule 4 of the Court of Appeal Rules to enlarge the time to file his appeal.
4. The application is unopposed as indicated in the respondent's letter dated 17th February 2026.
5. From the application, and the supporting affidavit sworn on 13th June, 2025, there has been a delay of approximately 15 years in filing his appeal against the judgment of the High Court.
6. I have considered the application and the affidavit in support. The principles that guide the Court in applications for extension of time are well settled. The Supreme Court of Kenya pronounced itself on



the question of extension of time in the case of Andrew Kiplagat Chemaringo vs. Paul Kipkorir Kibet [2018] eKLR, and stated as follows:

“The law does not set out any minimum or maximum period of delay. All it states is that any delay should be satisfactorily explained. A plausible and satisfactory explanation for delay is the key that unlocks the court’s flow of discretionary favour. There has to be valid and clear reasons, upon which discretion can be favourably exercisable.”

7. Additionally, in Salat vs. Independent Electoral and Boundaries Commission & 7 Others [2014] KESC 12 (KLR) the Supreme Court of Kenya determined: that extension of time is not a right of a party but an equitable remedy available to a deserving party at the discretion of the court; that the party seeking extension of time has the burden to lay a basis to the satisfaction of the court; that extension of time is a consideration on a case to case basis; and that delay should be explained to the satisfaction of the court. Other factors include whether there will be prejudice suffered by the respondents if the extension is granted; whether the application is brought without undue delay; and public interest.
8. In effect, although the court has unfettered discretion under rule 4 of the Court of Appeal Rules, that discretion should be exercised judicially, and each case must be considered on its own facts. In the present case, beyond the statement by the applicant that he tried to appeal several times without success, no explanation in his supporting affidavit speaks to or explains the 15 year delay in filing his appeal.
9. I am inclined to decline the application. The same is hereby dismissed.

DATED AND DELIVERED AT NAIROBI THIS 24TH DAY OF APRIL, 2026.

L. NJUGUNA

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JUDGE OF APPEAL

I certify that this is a true copy of the original

Signed

DEPUTY REGISTRAR

