



**Chepkwony v Republic (Criminal Application E016 of 2026)
[2026] KECA 866 (KLR) (5 May 2026) (Ruling)**

Neutral citation: [2026] KECA 866 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT NAKURU
CRIMINAL APPLICATION E016 OF 2026**

AI HASSAN, JA

MAY 5, 2026

BETWEEN

AMOS KIMUTAI CHEPKWONY APPLICANT

AND

REPUBLIC RESPONDENT

*(Being an application for extension of time to appeal from the
Judgment of the High Court of Kenya at Kilgoris (Charles Kariuki,
J.) delivered on 5th February, 2026) in HCCRA No. E018 of 2024)*

RULING

1. The applicant Amos Kimutai Chepkwony seeks extension of time to allow him to lodge an appeal out of time against a decision of the High Court of Kenya at Kilgoris in Criminal Appeal No. E018 of 2024 which upheld his conviction and sentence for the offence of gang rape.
2. The application is dated 23rd March 2026 and it is supported by an undated affidavit by the applicant. In the affidavit, the applicant indicates that he could not appeal on time because he relied on relatives who promised to hire a lawyer for him but did not do so due to miscommunication. The Director of Public Prosecutions did not oppose the application.
3. The Supreme Court in *Salat v Independent Electoral and Boundaries Commission & 7 others* (Application 16 of 2014) [2014] crystallised the principles governing extension of time as follows :-
 - i. Extension of time being not a right of a party, but an equitable remedy that is only available to a deserving party at the discretion of the Court;
 - ii. The party who seeks extension of time has the burden of laying a basis to the satisfaction of the Court;



- iii. Whether the Court should exercise the discretion to extend time is a consideration to be made on a case-by-case basis;
 - iv. Where there is a reasonable cause for the delay, the same should be expressed to the satisfaction of the Court;
 - v. Whether there will be any prejudice suffered by the respondents if extension is granted;
 - vi. Whether the application has been brought without undue delay;
 - vii. In certain cases, like election matters, public interest should be a consideration for extending time.
4. The impugned judgment having been delivered on 5th February 2026, I find that the delay in filing the instant application is not inordinate. The respondent concedes that the delay is not inordinate.
 5. In the result, I allow the application and direct that the applicant do file a notice of appeal within fourteen (14) days of this ruling. The prison authorities should extend to the applicant such assistance as will ensure the notice is filed and lodged at the registry of this Court within the time I have stipulated.

DATED AND DELIVERED AT NAKURU THIS 5TH DAY OF MAY, 2026.

AHMED ISSACK

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JUDGE OF APPEAL

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

Signed.

DEPUTY REGISTRAR

