



**PSN v Republic (Criminal Application E014 of 2026)
[2026] KECA 860 (KLR) (5 May 2026) (Ruling)**

Neutral citation: [2026] KECA 860 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT NAKURU
CRIMINAL APPLICATION E014 OF 2026**

AI HASSAN, JA

MAY 5, 2026

BETWEEN

PSN 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 7th November, 2025)inHCCRA NO. E022 OF 2021)

RULING

1. The applicant Paul Sorwa Nairenge 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. E022 of 2021 which upheld his conviction and sentence for the offence of incest.
2. The application is undated. It is supported by an equally undated affidavit without clear evidence whether it was commissioned. In it, the applicant indicates that the delay in lodging the appeal within the statutory period was occasioned by a delay in obtaining the copy of the High Court judgment. 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 7th November 2025, the delay is not inordinate. The respondent concedes that the delay is not inordinate. I am also cognizant of the constraints that an incarcerated prisoner without legal representation operates under in an effort to pursue legal redress. The applicant herein is condemned to life imprisonment for the offence of incest. I am inclined to exercise my discretion in order to allow him to pursue his right of appeal, on sentence and conviction.
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

JUDGE OF APPEAL

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

Signed.

DEPUTY REGISTRAR

