



REPUBLIC OF KENYA



**KENYA LAW**  
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**Njeri v Republic (Criminal Application E040 of 2025)  
[2025] KECA 1237 (KLR) (27 June 2025) (Ruling)**

Neutral citation: [2025] KECA 1237 (KLR)

**REPUBLIC OF KENYA  
IN THE COURT OF APPEAL AT NYERI  
CRIMINAL APPLICATION E040 OF 2025  
S OLE KANTAI, JA  
JUNE 27, 2025**

**BETWEEN**

**WILLIAM BUNDI NJERI ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(An application for extension of time to file a Record of Appeal against the Judgment of the High Court at Kerugoya (L. Njuguna, J.) delivered on 29th September, 2023 in HC Criminal Appeal No. 55 of 2018)*

**RULING**

1. The applicant William Bundi Njeri has moved me by Motion where he prays that he be granted leave to appeal out of time. He says in a supporting affidavit that he was charged at the subordinate court with the offence of defilement and was sentenced to life imprisonment; that his appeal to the High Court of Kenya at Kerugoya was dismissed; that he was not furnished with a copy of the judgment on time to appeal; that his intended appeal has high chances of success. The appeal to the High Court was dismissed on 29<sup>th</sup> September, 2023 while the application is dated 13<sup>th</sup> March, 2025.
2. I have seen a hearing notice dated 18<sup>th</sup> June, 2025 where service was effected on the respondent at odppnyerinyeri@odpp.go.ke. I have not seen any response from the respondent.
3. The principles that apply in an application of this nature were summarized in the oft – cited case of *Leo Sila Mutiso vs. Rose Hellen Wangari Mwangi* [1999] 2 EA 231 as follows:

It is now well settled that the decision whether or not to extend the time for appealing is essentially discretionary. It is also well stated that in general the matters which this Court takes into account in deciding whether to grant an extension of time, are first, the length of the delay, secondly, the reason for the delay, thirdly (possibly) the chances of the appeal succeeding if the application is granted, and fourthly, the degree of prejudice to the respondent if the application is granted."



4. The applicant who is a convict in prison had his appeal dismissed by the High Court on 29<sup>th</sup> September, 2023. He says that he was not furnished with a copy of judgment to enable him to appeal. I note that he is acting in person and may lack the necessary facilities to take steps within required timelines. He says that his intended appeal has high chances of success but he has not told me what those chances are.
5. Considering all that the applicant has said I am prepared to exercise my discretion in his favour and I do so by allowing the Motion. Let appeal be filed within fourteen (14) days of today.

**DATED AND DELIVERED AT NYERI THIS 27<sup>TH</sup> DAY OF JUNE, 2025.**

**S. ole KANTAI**

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**JUDGE OF APPEAL**

I certify that this is a true copy of the original

Signed

**DEPUTY REGISTRAR**

