



**Silas v Republic (Criminal Application E017 of 2025)
[2025] KECA 1443 (KLR) (31 July 2025) (Ruling)**

Neutral citation: [2025] KECA 1443 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT NYERI
CRIMINAL APPLICATION E017 OF 2025
S OLE KANTAI, JA
JULY 31, 2025**

BETWEEN

JAPHET MURIITHI SILAS APPLICANT

AND

REPUBLIC RESPONDENT

(An application for leave to file an appeal against the Judgment of the High Court at Nyeri (D.S. Majanja, J.) delivered on 25th October, 2018 in H.C.CR Appeal No. 8 of 2018)

RULING

1. Japhet Murithi Silas (the applicant) applies by Motion that the time to lodge an appeal be extended and that leave be granted to file notice of appeal; that he be granted a waiver on court fees as he is a pauper. He says that the intended appeal has high chances of success; that he did not file an appeal on time because he was not supplied with the lower courts records/proceedings and judgment to enable him appeal on time. He sets out in the application and the affidavit what I think are grounds of appeal.
2. I have seen written submissions by the respondent who says that he does not oppose the application.
3. The principles that apply in an application of this nature were well set out in *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 says that proceedings and judgment of the lower court were not supplied to him on time to enable him file an appeal; that he is a pauper unable to pay court fees; that his intended appeal has high chances of success.
5. I think in the circumstances that there is a reasonable explanation for delay in filing an appeal. The respondent will not be prejudiced in any way if I exercise discretion in favour of the applicant.
6. I allow the Motion. Let notice of appeal be lodged within ten (10) days of today and record of appeal within twenty one (21) days thereafter.
7. Court fees are hereby waived as the applicant, a convict in prison has told me that he is a pauper. The registry to receive the said documents without requiring payment of any fees.

DATED AND DELIVERED AT NYERI THIS 31ST DAY OF JULY, 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

