



**Kyalo v Republic (Criminal Application E042 of 2025)
[2025] KECA 1370 (KLR) (25 July 2025) (Ruling)**

Neutral citation: [2025] KECA 1370 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT NYERI
CRIMINAL APPLICATION E042 OF 2025
W KARANJA, JA
JULY 25, 2025**

BETWEEN

CHARLES NZAU KYALO APPLICANT

AND

REPUBLIC RESPONDENT

(Being an application to file an appeal out of time against the judgment of the High Court of Kenya at Embu (L. Njuguna, J.) dated 19th December 2024 in Criminal Case No. E074 of 2024)

RULING

1. Charles Nzau Kyalo (the applicant) was charged before the Senior Resident Magistrate's Court at Siakago with the offence of defilement contrary to section 8(1) as read with section 8(3) of the [Sexual Offences Act](#). He denied the charge, but after a full hearing, he was found guilty, convicted and sentenced to serve 20 years imprisonment on 15th February 2024.
2. His appeal to the High Court sitting in Embu (L. Njuguna, J.) was unsuccessful, and was dismissed on 9th December 2024. By the time he decided to file a second appeal to this Court, he realised that the 14 days within which to file a notice of appeal had expired, hence this present application dated 10th June 2025. He seeks the leave of this Court to file his appeal out of time.
3. Upon being served with the application and the hearing notice, the State, through learned prosecution counsel Mr. Naulikha (SADPP), said they had no objection to the leave sought being granted. In view of that concession, and the fact that the delay in filing the application after dismissal of the appellant's appeal is not inordinate, the application dated 10th June 2025 is hereby allowed.
4. The applicant to file his notice of appeal within 14 days of the date hereof.



DATED AND DELIVERED AT NYERI, THIS 25TH DAY OF JULY 2025.

W. KARANJA

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JUDGE OF APPEAL

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

Signed

Deputy Registrar

