



REPUBLIC OF KENYA



KENYA LAW
THE NATIONAL COUNCIL FOR LAW REPORTING
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**Ngombo v Republic (Criminal Application E041 of 2025)
[2025] KECA 1374 (KLR) (25 July 2025) (Ruling)**

Neutral citation: [2025] KECA 1374 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT NYERI
CRIMINAL APPLICATION E041 OF 2025**

W KARANJA, JA

JULY 25, 2025

BETWEEN

JAMES KANAI NGOMBO APPLICANT

AND

REPUBLIC RESPONDENT

*(Being an application for leave of the Court to appeal out of time
against the judgment of the High Court at Kerugoya (L. Njuguna, J.)
dated 29th September 2023 in HC CR. APPEAL NO. E006 OF 2022)*

RULING

1. The applicant has moved this Court by way of an undated notice of motion, seeking extension of time within which to file a Notice of appeal against the conviction and sentence of 20 years imprisonment.
2. According to the applicant, he was charged with the offence of defilement contrary to section 8(1) as read with section 8(3) of the *Sexual Offences Act*. He was convicted following a full trial and sentenced to 20 years imprisonment.
3. His appeal to the High Court at Kerugoya, (L. Njuguna, J.) was dismissed by a judgment delivered on 29th September 2023. He deposes that he was not furnished with a copy of the judgment and proceedings from the High Court in time, and he was, therefore, unable to prepare his appeal, hence the delay.
4. The depones further, that he has a good appeal with high chances of success and implores the Court to give him a chance to challenge his conviction and sentence before this Court.
5. Although the application was served on the office of the Director of Public Prosecutions (ODPP), there was no response from that office. I also note that the ODPP was served with the hearing notice, which included directions for them to file submissions but none were filed.



- 6. Accordingly, my conclusion is that the application is unopposed. I have not had the advantage of perusing the record of appeal or the impugned judgment, but I am persuaded that the interests of justice would dictate that the appellant be given an opportunity to pursue his appeal before this Court.
- 7. In the circumstances, I allow the application and order that the applicant be and is hereby granted leave to file his Notice of appeal within 14 days from 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

