



REPUBLIC OF KENYA



KENYA LAW
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**Karugumi v Republic (Criminal Application E013 of 2025)
[2025] KECA 1349 (KLR) (16 July 2025) (Ruling)**

Neutral citation: [2025] KECA 1349 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT NYERI
CRIMINAL APPLICATION E013 OF 2025
W KARANJA, JA
JULY 16, 2025**

BETWEEN

EDWARD GAKUYA KARUGUMI APPLICANT

AND

REPUBLIC RESPONDENT

(An application for extension of time to file a notice of appeal out of time from the Judgment of the High Court of Kenya at Kerugoya (Muchemi, J.) dated and delivered on 24th October, 2023 in H. C. CR. A. No. 32 of 2019)

RULING

1. The applicant, vide his undated notice of motion seeks leave of this Court to file a notice of appeal out of time. He was convicted by the Gichugu Magistrate's Court for the offence of defilement contrary to Section 8 (1) as read with Section 8 (3) of the [Sexual Offences Act](#) and sentenced to 20 years imprisonment. His appeal to the High Court was dismissed vide a judgment delivered on 24th October, 2023.
2. According to the applicant, he was not supplied with the court proceedings in time and so he failed to file the notice of appeal within the timelines allowed by the Court of Appeal Rules. He says that the delay is not inordinate and he has a good appeal with high chances of success.
3. He has filed submissions in support of the application in which he expounds on the grounds raised in the application and in his affidavit in support, sworn on 18th February, 2025.
4. In response to the application, the State filed submissions dated 8th July, 2025 in which learned counsel, Mr. Naulikha, indicates that the State does not oppose the application.
5. I have considered the application, along with the rival submissions on record. The applicant has given good reasons for the delay; and also as the application is not opposed, I am persuaded to allow it.



6. Accordingly, the application is allowed. The applicant is granted leave to file the notice of appeal within fourteen (14) days from the date hereof.

DATED AND DELIVERED AT NYERI THIS 16TH 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

