

**IN THE COURT OF APPEAL
AT NAIROBI**

(CORAM: MUSINGA, (P), (IN CHAMBERS))

CRIMINAL APPLICATION NO. E035 OF

2025 BETWEEN

CHARLES MACHARIA WANJIRU.....APPLICANT

AND

REPUBLIC.....RESPONDENT

(Being an application for extension of time for giving notice of appeal and for leave to appeal out of time from the decision of the High Court of Kenya at Nairobi (E. N. Maina, J.) dated 28th June 2024

in

Criminal Appeal (ACECA) No. E012 of 2023)

RULING

1. The appellant's notice of motion dated 26th February 2025 seeks extension of time to file an appeal from the decision of the High Court (**E.N. Maina, J.**) dated 28th June 2024 in **Criminal Appeal (ACECA) No. E012 of 2023**, where the court dismissed the applicant's appeal against conviction and sentence imposed by the trial court.
2. The appellant had been charged and convicted of the offence of obstruction contrary to section 66(1) as read

with section 66(2) of the Anti-Corruption and Economic
Crimes

Act. He was sentenced to a fine of Kshs.400,000, in default to serve 12 months' imprisonment.

3. As a result of the conviction the applicant lost his employment and was unable to raise the requisite fees to mount an appeal to this Court.
4. The application is not opposed. The respondent did not file any response to the application, despite service of the hearing notice on 30th June 2025.
5. I have perused the memorandum of appeal dated 26th February 2025. The grounds of appeal raised are arguable. The reason for the delay in filing the appeal is plausible. No prejudice would be occasioned to the respondent if this application is granted. I therefore grant leave to appeal out of time as sought. The notice of appeal dated 25th February 2025 is deemed as having been filed in time.

Dated and delivered at Nairobi this 11th day of July 2025.

D. K. MUSINGA (PRESIDENT)

.....
JUDGE OF APPEAL

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

Signed

DEPUTY REGISTRAR.