



**Njoroge v Republic (Criminal Application E057 of 2025)  
[2025] KECA 1177 (KLR) (1 July 2025) (Ruling)**

Neutral citation: [2025] KECA 1177 (KLR)

**REPUBLIC OF KENYA  
IN THE COURT OF APPEAL AT NAKURU  
CRIMINAL APPLICATION E057 OF 2025**

**JM MATIVO, JA**

**JULY 1, 2025**

**BETWEEN**

**COLLINS MAINA NJOROGE ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(An application for extension of time to file an appeal, against the judgment of the High Court of Kenya at Nakuru (H.I Ong’udi, J.) dated 18th December, 2024 in CRA No. 19 of 2018)*

**RULING**

1. By an application dated 12<sup>th</sup> June 2025, Collins Maina Njoroge (the applicant) seeks extension of time to appeal against the dismissal of his appeal against conviction and sentence by the High Court in Nakuru High Court Criminal Case No. 19 of 2018.
2. The applicant was charged with the offence of murder contrary to section 203 as read with section 204 of the penal code. The particulars being that on 25<sup>th</sup> February 2018 at Kampi Ya Moto junction in Rongai sub-county within Nakuru County, jointly with others not before Court, he murdered Joel Mbuthia Kamau. He was convicted and sentenced to serve 9 years imprisonment on 18<sup>th</sup> December 2024.
3. Despite being aggrieved by the conviction and sentence, he failed to lodge his notice of appeal within the statutory stipulated time of 14 days. He contends that he had agreed with his family to instruct an advocate on his behalf for the purpose of instituting the appeal, but to his dismay, he later learnt that his family never instructed an advocate on his behalf.
4. The respondent has not complied with the directions issued by the Deputy Registrar on 26<sup>th</sup> June 2025. Therefore, the instant application is not opposed.



5. I have considered the application, and the supporting affidavit sworn on 12<sup>th</sup> June 2025. It is evident that there has been a delay of approximately 4 months in filing his appeal against the judgment of the High Court. The Supreme Court of Kenya pronounced itself on the question of extension of time in *Andrew Kiplagat Chemaringo vs. Paul Kipkorir Kibet* [2018] eKLR stated as follows:

“The law does not set out any minimum or maximum period of delay. All it states is that any delay should be satisfactorily explained. A plausible and satisfactory explanation for delay is the key that unlocks the court’s flow of discretionary favour. There has to be valid and clear reasons, upon which discretion can be favourably exercisable.”

6. I have considered the reasons provided for the delay and the period of delay. I find that the delay is not inordinate and also, the reason offered is plausible. It is the plausible explanation of the delay that triggers this Court’s discretion. Applying the principles stated in *Andrew Kiplagat Chemaringo vs. Paul Kipkorir Kibet* (supra), and considering that the applicant is acting in person, and the period of sentence he is serving, I am inclined to exercise my discretion in his favour. I direct the applicant to file his notice of appeal within the next 14 days and the memorandum of appeal and the record of appeal within 45 days from today.

**DATED AND DELIVERED AT NAKURU THIS 1<sup>ST</sup> DAY OF JULY, 2025.**

**J. MATIVO**

.....

**JUDGE OF APPEAL**

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

Signed.

**DEPUTY REGISTRAR.**

