



REPUBLIC OF KENYA



**KENYA LAW**  
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**Hassan v Republic (Criminal Application E003 of 2023)  
[2024] KECA 215 (KLR) (1 March 2024) (Ruling)**

Neutral citation: [2024] KECA 215 (KLR)

**REPUBLIC OF KENYA  
IN THE COURT OF APPEAL AT MOMBASA  
CRIMINAL APPLICATION E003 OF 2023  
KI LAIBUTA, JA  
MARCH 1, 2024**

**BETWEEN**

**ISSA KUSOW HASSAN ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(Being an application for extension of time to Appeal out of time from  
the Judgment of the High Court of Kenya at Mombasa (A. Ong'injo,  
J.) delivered on 26th October 2022 in H.C.Cr.A No. E083 of 2021)*

**RULING**

1. When the applicant's Notice of Motion dated 18<sup>th</sup> September 2023 came for hearing before me on the GoTo Meeting virtual platform, learned counsel for the applicant, Mr. Taliti, was present, as well as Ms. Ongeti for the State.
2. Even though both counsel were present and prepared to highlight their respective submissions on the applicant's Motion for:
  - i. leave to appeal from the impugned judgment of the High Court of Kenya at Mombasa (A. Ong'injo, J.) out of time;
  - (ii) orders granting the applicant favourable bail terms pending hearing and determination of this application and of his appeal; and
  - (iii) orders that costs be provided for, Ms. Ongeti for the State conceded the applicant's Motion for leave to file his appeal out of time.
3. In view of the foregoing, I hereby order and direct that:
  - i. leave be and is hereby granted to the applicant to file his appeal out of time;



- ii. the applicant's Motion for bail pending appeal be listed for hearing before a full Bench of this Court on a date to be fixed at the Registry; and
- iii. in view of the nature of the proceedings herein, I make no orders as to costs.

**DATED AND DELIVERED AT MOMBASA THIS 1<sup>ST</sup> DAY OF MARCH, 2024.**

**DR. K. I. LAIBUTA**

.....

**JUDGE OF APPEAL**

I certify that this is a True copy of the original

**DEPUTY REGISTRAR**

