



REPUBLIC OF KENYA



KENYA LAW
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**Karanja v Republic (Criminal Application E063 of 2024)
[2024] KECA 849 (KLR) (18 July 2024) (Ruling)**

Neutral citation: [2024] KECA 849 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT NAKURU
CRIMINAL APPLICATION E063 OF 2024**

JW LESSIT, JA

JULY 18, 2024

BETWEEN

SAMMY MWANGI KARANJA APPLICANT

AND

REPUBLIC RESPONDENT

*((Being an application for extension of time to file an appeal against
the conviction and sentence of the High Court of Kenya at Nakuru
(Kimaru, J.) delivered on 4th July 2006 in HCCR No. 17 of 2004))*

RULING

1. Before this Court is a Notice of Motion application by the applicant seeking extension of time to file an appeal against the conviction and sentence of the High Court of Kenya at Nakuru (Kimaru, J.) delivered on 4th July 2006 in Criminal Case No. 17 of 2004, in which he was convicted of murder and sentenced to suffer death. In both the application and his supporting affidavit, the applicant attributes the delay in filing his appeal to delay in being supplied with the High Court's judgment and proceedings on time. The application is made under Rule 4 of the *Court of Appeal Rules*.
2. The respondent filed submissions through Mr. A. J. Omutelema, Senior Assistant Director of Public Prosecutions dated 15th July 2024. He does not oppose the application, pointing out the seriousness of the sentence the applicant is serving and the need to give him an opportunity to pursue appeal.
3. Rule 4 of the *Court of Appeal Rules* governs the extension of time. The Rule allows this Court to exercise discretion to extend the time limited by the Rules for the doing of any act authorized or required by the Rules



4. I have considered the application and find the delay explained as having been caused by slow administrative action to supply the proceedings of the superior court in time for the filing of the appeal before expiry of time limited to do so. In the premises, I find merit in this application.
- i. I hereby allow the applicant's undated application as filed in this Court's registry.
 - ii. The applicant shall file a Notice of Appeal within fourteen (14) days from date hereof.
 - iii. The registry to prepare the Record of Appeal and file it and serve it on the applicant and the respondent within sixty (60) days hereof.
 - iv. The registry shall thereafter place appeal before the Court for hearing.

DATED AND DELIVERED AT ELDORET THIS 18TH DAY OF JULY, 2024

J. LESIIT

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JUDGE OF APPEAL

I certify that this is a true copy of the original

Signed

DEPUTY REGISTRAR

