



**Muhu v Republic (Criminal Application E109 of 2024)  
[2024] KECA 1352 (KLR) (3 October 2024) (Order)**

Neutral citation: [2024] KECA 1352 (KLR)

**REPUBLIC OF KENYA  
IN THE COURT OF APPEAL AT NYERI  
CRIMINAL APPLICATION E109 OF 2024  
S OLE KANTAI, JA  
OCTOBER 3, 2024**

**BETWEEN**

**SAMUEL CHEGE MUHU ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(An application for extension of time to lodge Notice of Appeal and Leave to file appeal out of time from the Judgment of the High Court at Muranga (Wakiaga, J.) dated 25th May, 2022 in HC Criminal Appeal No. 39 of 2019.)*

**ORDER**

1. I have seen notice of appeal by the applicant Samuel Chege Muhu who was convicted for the offences of rape and obtaining by false presences. His appeal to the High Court of Kenya was dismissed.
2. In the homemade Memorandum of Appeal he has raised various grounds of appeal. One ground is to the effect that the High Court on first appeal erred in law in concluding that he raped the complainants where lack of consent was not proved. Another ground is that he was convicted when the charges against him were not proved to the required standard. Another ground states that the Judges erred in awarding consecutive sentences when the convictions were as a result of the same transactions.
3. I note that the respondent was served with a hearing notice on 3<sup>rd</sup> September, 2024 but there is no response from that office.
4. I am satisfied that the appeal raises a question of law for determination by this Court. The applicant who is a convict at Kamiti Main Prison may not be able to pay court fees. The same should be waived. If the applicant has not filed an appeal he should do so within fourteen (14) days from today.

**MADE AT NYERI THIS 3RD DAY OF OCTOBER, 2024.**

**S. ole KANTAI**



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**JUDGE OF APPEAL**

I certify that this is a true copy of the original

Signed

**DEPUTY REGISTRAR**

