



**Emojong v Republic (Criminal Application NAK. E152 of 2024)  
[2024] KECA 1726 (KLR) (4 December 2024) (Ruling)**

Neutral citation: [2024] KECA 1726 (KLR)

**REPUBLIC OF KENYA  
IN THE COURT OF APPEAL AT NAKURU  
CRIMINAL APPLICATION NAK. E152 OF 2024  
MA WARSAME, JA  
DECEMBER 4, 2024**

**BETWEEN**

**PETER EMOJONG ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(An application for extension of time to file a notice of appeal, against the judgment of the High Court at Nyahururu (Wendoh, J.) dated 10th April, 2018 in HCCRA No. 095 OF 2017)*

**RULING**

1. The applicant, Peter Emojong was convicted in Nyahururu Criminal Case No. 451 of 2015 of one count of being in possession of wildlife trophies without a permit contrary to Section 95 of the [Wildlife \(Conservation and Management\) Act](#) 2013 and sentenced to pay a fine of Kshs.1,000,000.00 or serve 5 years imprisonment in default. On the second count he was convicted of dealing in wildlife trophies without a permit contrary to Section 84(1) as read with Section 92 of the [Wildlife \(Conservation and Management\) Act](#) 2013 and sentenced to pay a fine of Kshs.20,000,000.00 or server life imprisonment in default.
2. Aggrieved, the appellant appealed to the High Court and the Court (Wendoh, J.) in a decision dated 10<sup>th</sup> April 2018 upheld the trial Court’s decision.
3. The appellant now wishes to appeal that decision and has filed the instant application dated 31<sup>st</sup> July 2024 seeking leave to file a notice of appeal out of time. The reason for delay is that he did not receive a copy of the Judgment from the High Court when it was delivered.
4. The respondent, through its written submissions, contends that though the delay is inordinate, it does not oppose the application given that the sentence of life imprisonment is lengthy.



5. I have considered the application, the supporting affidavit and the submissions by the respondent. It is evident that there has been a delay of six years and three months in filing the current application.
6. While considering the issue of extension of time, the Supreme Court in the case of *Andrew Kiplagat Chemaringo v 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.”
7. While this Court appreciates that the applicant is acting in person and is currently serving a life sentence, there has been no attempt to show any attempts or difficulties faced in obtaining the Judgment of the Court. Again, the applicant has not attached a draft Memorandum of Appeal in support of the intended appeal.
8. Consequently, I find the delay is inordinate and find no basis to exercise my discretion. I dismiss the application accordingly with no orders to cost.

**DATED AND DELIVERED AT NAKURU THIS 4<sup>TH</sup> DAY OF DECEMBER, 2024.**

**M.WARSAME**

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**JUDGE OF APPEAL**

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

Signed Deputy Registrar

