

REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT KISUMU
CRIMINAL APPEAL 1 OF 2006

NICKSON NGONGODI CHANZU.....APPLICANT

AND

REPUBLIC.....RESPONDENT

(An application for extension of time to validate the already filed Notice of Appeal as filed within time and extension of time to file a supplementary Memorandum of Appeal in an intended appeal from the judgment of the High Court of Kenya at Kakamega, (Sergon & Kariuki, JJ) dated 28/4/2005

in

H.C.C.R.A. NO. 49 OF 2003)

R U L I N G

This is an application under **Rules 4, 16, 14** and **44** of the Court of Appeal Rules seeking extension of time in which to file notice of appeal so that the notice of appeal already filed be validated as filed within time. There is also a second prayer that the applicant be granted leave to file supplementary memorandum of appeal. This application is supported by the affidavit of *Mr. Odunga* the learned counsel for the applicant.

Mr. Musau who is appearing for the State has no objection to this application.

In view of what is stated by *Mr. Odunga* in his affidavit and the fact that this application is not opposed I hereby allow the application so that the notice of appeal already filed is deemed to have been filed within the time extended. The applicant is also granted leave to file a supplementary memorandum of appeal.

MADE at KISUMU this 27th day of March, 2006.

E..O. O’KUBASU

.....

JUDGE OF APPEAL

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

DEPUTY REGISTRAR