

REPUBLIC OF KENYA

IN THE COURT OF APPEAL
AT KISUMU

CORAM: KWACH, J.A. (IN CHAMBERS)
CRIMINAL APPLICATION NO. NAI. 49 OF 2002 (KSM.18/2002)

BETWEEN

PETER ODHIAMBO ODHIAMBO..... APPLICANT

AND

REPUBLIC RESPONDENT

**(An application for extension of time to file an appeal
out of time in an intended appeal from a conviction
and sentence of the High Court of Kenya at Kisumu
(Mr. Justice Mango) dated 9th March, 1992**

in
H.C.CR.CASE NO. 8 OF 1992)

R U L I N G

This applicant was apparently convicted of murder and sentenced to death around 1993. The superior court file has not been traced and no one seems to know what really happened and so I have to rely entirely on the account coherent may be due to the length of time he has been in prison. He was arrested in September 1991 after he apparently killed his own mother.

When I asked him to urge his application he simply told me to let him go back home. Since he has filed this motion I had to glean his intention from the bare material on the file. Notwithstanding the disappearance of the court file the applicant has a constitutional right to lodge an appeal against his conviction and sentence. I accordingly allow his application and extend the time for filing an appeal by 30 days from today. To enable the applicant to lodge his appeal, the Deputy Registrar of the superior court at Kisumu, the prison authorities and the Attorney-General's Chambers are hereby ordered to trace the relevant documents and assist the applicant to lodge his appeal.

Dated and delivered at Kisumu this 25th day of March, 2003.

R. O. KWACH

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JUDGE OF APPEAL
I certify that this is a true copy of the original.
DEPUTY REGISTRAR