IN THE COURT OF APPEAL

AT NAKURU

CORAM: SHAH, J.A. (IN CHAMBERS)

CRIMINAL APPLICATION NO. NAI. 32 OF 2002 (NAK 15/02)

JACOB GACHERU GITHINJI ..... APPLICANT

AND

REPUBLIC ..... RESPONDENT

(An application for extension of time to lodge a Notice
of Appeal out of time in an intended appeal from a
judgment of the High Court of Kenya at Nakuru
(Visram, J) dated 21st May, 2002
in
H.C.CR.A. NO. 90 OF 2002)
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R U L I N G

The applicant was convicted of the offence of escaping from lawful custody contrary to section 123 of the Penal Code. He pleaded guilty to the charge. He was convicted and sentenced to a three year prison term. The maximum punishment for the offence is 7 years imprisonment. My view is that the applicant is chasing a mirage. I do not consider it fit to grant this application. This application is dismissed.

Dated and delivered at Nakuru this 26th day of September, 2002.

A. B. SHAH

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JUDGE OF APPEAL

O R D E R

The applicant seeks reference to full court. It is so ordered. Let there be a reference to full court. Made and delivered at Nakuru this 26th day of September, 2002.

A. B. SHAH

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JUDGE OF APPEAL

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