

REPUBLIC OF KENYA

IN THE COURT OF APPEAL

AT NAKURU

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

CRIMINAL APPEAL (APPLICATION) NO. 179 OF 2000

BETWEEN

JARED OUMA OKANGO 1ST APPELLANT

JOHN ONYANGO AWITCH 2ND APPELLANT

AND

REPUBLIC RESPONDENT

(Application for extension of time to lodge Notice of Appeal out of time in an intended appeal from a Judgment of the High Court of Kenya at Kericho (Justice D.M. Rimita) dated 24th July, 2000

in

H.C.CR.A. NOS. 13 & 14 OF 1999)

RULING

This is an application under rule 4 of the Court of Appeal Rules for an extension of time within which to lodge a Notice of Appeal. Mr. Odhiambo for the applicant says that initially the Notice of Appeal was filed timeously but in the wrong High Court Registry, and by the time it was filed at the correct Registry the 14 days prescribed under rule 58 of the aforesaid Rules had already expired. I have unfettered discretion to extend time but such discretion has to be exercised on the basis of law and evidence. The reason given for the delay in lodging the Notice persuades me to exercise my judicial discretion in favour of the applicant. I accordingly extend the time within which to lodge a Notice of Appeal for such period as to include the date when the applicant lodged his notice.

Dated and delivered at Nakuru this 19th day of February, 2001.

S.E.O. BOSIRE

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR

