

REPULIC OF KENYA

IN THE COURT OF APPEAL

AT MOMBASA

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

CRIMINAL APPEAL(APPLICATION) NO. 76 OF 2001

BETWEEN

MUSA BWANA MUSA APPLICANT

AND

REPUBLIC RESPONDENT

R U L I N G

I agree with Mrs Mwangi that a delay of some seven years is very long indeed but in view of the fact that the applicant was sentenced to death, which sentence has not been carried out, I do not think it would be right for me to refuse him the chance to agitate his intended appeal to this Court. I allow the notice of motion lodged in court in February, 2000 and make the following orders:-

- 1.The applicant must file his notice of appeal if not already filed, within seven days of the date hereof. If any notice of appeal was previously filed, the same is hereby deemed to have been validly filed and is validly existing.
- 2.The record of appeal and the memorandum of appeal must be filed within twenty-one days from the date hereof. Those are my orders:-

Dated and delivered at Mombasa this 19th day of July, 2001.

R. S. C. OMOLO

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR