

IN THE COURT OF APPEAL

AT MOMBASA

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

CRIMINAL APPEAL (APPLICATION) NO. 72 OF 2000

BETWEEN

MWINYI ABDALLA APPLICANT

AND

REPUBLIC RESPONDENT

(Application for extension of time to appeal out of time
in an appeal from a judgment of the High Court of
Kenya at Mombasa (Hayanga J & Tutui Comm of Assize)
dated 29th November, 2000

in

H.C.CR.A. NO. 69 OF 1998)

R U L I N G

This is an application for extension of time to lodge a notice of appeal out of time or rather to validate a notice of appeal already filed out of time. The same was lodged on 5th February, 2001 nearly a month out of time. The applicant desires to appeal against the conviction and sentence (capital charge). The superior court dismissed his appeal. He has an undoubted right of appeal to this Court. I grant the application in that I order that the notice of appeal lodged on 5th February, 2001 is deemed to be filed in time as now extended by me.

Dated and delivered at Mombasa this 17th day of July, 2001.

A. B. SHAH

JUDGE OF APPEAL

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

DEPUTY REGISTRAR