

REPUBLIC OF KENYA
IN THE COURT OF APPEAL
AT MOMBASA
CORAM; SHAH, J.A. (IN CHAMBERS)
CRIMINAL APPEAL APPLICATION NO.92 of 1999
BETWEEN

JULIUS MWANZIA MUTHIANI.....APPELLANT
AND
REPUBLIC.....RESPONDENT

(Appeal from a conviction, judgment, order, or as the
case may be) of the High Court of Kenya at Mombasa
(Justice Ang'awa) dated 13th October, 1997

in
H.C.CR.A. No.71 of 1997

RULING

The applicant was convicted of the offence of robbery with violence contrary to section 296(2) of the Penal Code, on 17th February, 1997. He appealed to the superior court. That appeal was summarily rejected by the superior court (Ang'awa J.). The applicant says he did not know of the fact of such summary rejection until 7th July, 1999. He lodged this notice of appeal and memorandum of appeal on 23rd of August, 1999.

The delay is not inordinate, in all the circumstances.

I allow the application and order that the notice of appeal lodged on 23rd August, 1999 be deemed to be lodged in time. I also order that the memorandum of appeal be deemed to be lodged in time. There will be liberty to lodge amended grounds of appeal if the applicant or his counsel so desire.

Dated and delivered at Mombasa this 18th day of January, 2000.

A.B. SHAH

JUDGE OF APPEAL

I certify that this a true copy of the original.

DEPUTY REGISTRAR