



**IN THE COURT OF APPEAL**  
**AT NAIROBI**  
**CORAM: TUNOI, J.A. (IN CHAMBERS)**  
**CRIMINAL APPEAL NO. 107 OF 1999**

**BETWEEN**

**JOSEPH MUNGA KIRAGU ..... APPELLANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**(Appeal from a judgment of the High Court of Kenya at Nairobi (Aluoch & Githinji, JJ) dated 29th October, 1998**

**in**

**H.C.C.R.A. NO. 130 OF 1999)**

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**R U L I N G**

The delay in lodging the appeal is minimal. It was occasioned by the Prison authorities by not submitting the papers on time. Sentence of death is involved. I allow the application as prayed. Leave is granted to lodge the appeal out of time. The Notice of Appeal dated 16th November, 1998 is deemed to have been filed and served in time. Also Criminal Appeal No. 107 of 1999 shall be deemed to have been lodged within the prescribed time and shall proceed to hearing.

**Dated and delivered at Nairobi this 15th day of June, 2000.**

**P. K. TUNOI**

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**JUDGE OF APPEAL**

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

**DEPUTY REGISTRAR**