

REPUBLIC OF KENYA

IN THE COURT OF APPEAL

AT NYERI

CORAM: OMOLO, J.A (IN CHAMBERS)

CRIMINAL APPLICATION NO. NAI 21 OF 2000

BETWEEN

JACKSON NGURU MIRUGIAPPLICANT

AND

REPUBLICRESPONDENT

R U L I N G

I do not think it would be right for me to deny the applicant the leave he seeks particularly in view of the fact that his appeal to the superior court was summarily rejected and the effect of that is that he was not given a chance to be heard by that Court. He is in prison and of necessity there would be delays along the way. The applicant intends to challenge the fact that the superior court did not give him a chance to be heard. It would be too much to deny him even the chance to challenge the order depriving him of his right to be heard.

I have take into account that the applicant took some six or so months to bring this motion, but having done so, I am still of the view that I should allow his motion dated the 15th March, 2000 and lodged in court on 27th June, 2000. Accordingly, I allow the motion and make the following orders: (1)The applicant shall file his notice of appeal if not already filed, within fourteen days of the date hereof. In case a notice of appeal has been lodged, the same is now validated from the date when it was lodged.

(2)The applicant shall file his record of appeal within 45 days of the date hereof. In case the record has already been lodged, the same is validated from the date of its lodgment. These shall be my orders in the matter.

Dated and delivered at Nyeri this 25th day of October, 2000.

R. S. C. OMOLO

JUDGE OF APPEAL

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

DEPUTY REGISTRAR