



**IN THE COURT OF APPEAL**

**AT NYERI**

**CORAM: KWACH, J.A. (IN CHAMBERS)**

**CRIMINAL APPLICATION NAI 15 OF 2000 (NYR 11/2000)**

**BETWEEN**

**REPUBLIC OF KENYA .....APPLICANT**

**AND**

**MUSA MUTURI MURUMIA .....RESPONDENT**

**(Appeal for extension of time to file an appeal from a  
judgment of the High Court of Kenya at Nyeri (Juma  
J) dated 6th December, 1999**

**in**

**H.C.CR.A. NO. 60 OF 1999)**

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**R U L I N G**

This is an application by the Republic for leave to appeal out of time. The decision against which the Republic wishes to appeal was given by Juma J on 6.12.99. The learned Judge allowed an appeal by Musa Muturi Murumia against his conviction on a charge of causing grievous harm for which he was given a suspended sentence of 6 months by a Kerugoya court.

When the appeal came before the learned Judge, Mr Mwangi who appeared for the Republic, conceded the appeal. The learned Judge found that there was no evidence to support the respondent's conviction and allowed the appeal. I am appalled that in the face of this, Mr Ammon Oluoch Ojwang, a State Counsel in the Attorney-General's Chambers, has the temerity to apply for extension of time to appeal against the decision of the learned Judge. There is no point of law involved, and there cannot be, because the State conceded the appeal. This application is clearly an abuse of the process of this Court.

It is dismissed.

**Dated and delivered at Nyeri this 23rd day of October, 2000.**

**R. O. KWACH**

**JUDGE OF APPEAL**

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

**DEPUTY REGISTRAR**