



Case Number:	crim appl 10 of 99
Date Delivered:	01 Nov 1999
Case Class:	Criminal
Court:	Court of Appeal at Nairobi
Case Action:	-
Judge:	Riaga Samuel Cornelius Omolo
Citation:	REPUBLIC vs FRANCIS NDUNGU KIRORI WANYONYI WAMATU EVERLYNE MURUGI RUFUS CECILIA WAMBUI NJOROGE PATRICK GATHITHO WAITHAKA[1999] eKLR
Advocates:	-
Case Summary:	-
Court Division:	-
History Magistrates:	-
County:	-
Docket Number:	-
History Docket Number:	-
Case Outcome:	-
History County:	-
Representation By Advocates:	-
Advocates For:	-
Advocates Against:	-
Sum Awarded:	-
<p>The information contained in the above segment is not part of the judicial opinion delivered by the Court. The metadata has been prepared by Kenya Law as a guide in understanding the subject of the judicial opinion. Kenya Law makes no warranties as to the comprehensiveness or accuracy of the information.</p>	

**REPUBLIC OF KENYA  
IN THE COURT OF APPEAL  
AT NAIROBI  
CORAM: OMOLO, J.A. (IN CHAMBERS)  
CRIMINAL APPLICATION NO. NAI 10 OF 1999  
BETWEEN**

**REPUBLIC ..... APPLICANT  
AND  
FRANCIS NDUNGU KIRORI  
WANYONYI WAMATU  
EVERLYNE MURUGI RUFUS  
CECILIA WAMBUI NJOROGE  
PATRICK GATHITHO WAITHAKA .....RESPONDENTS**

**(Application for extension of time to file notice of  
appeal out of time from a ruling of the High Court  
of Kenya at Nairobi (Osiemo J) dated 18th June, 1998  
in  
H.C.CR.Rev. NO. 47 OF 1997)**

\*\*\*\*\*

**R U L I N G**

With respect to both Mr Okumu and Mr Ngwiri, I do not think I am called upon in this application to decide on the issue of whether or not the point of law is sufficiently important to warrant my extending the time. But I agree that is a factor the Court has to take into account. It is, however, agreed that the applicant had a right of appeal. The applicant in fact filed a notice of appeal but the same was struck out because it was defective. The striking out was on the 2nd June, 1999. On the 22nd June, 1999, the applicant lodged the present motion. There was a delay of twenty days which Mr Okumu explains on the basis that they were waiting for certified copy of the court order striking out their notice of appeal and that without the certified order the present motion would be defective. I very much doubt the correctness of that proposition, but in the end I have decided that a delay of twenty days is not such an inordinate one as should deprive me of my discretion to extend time. I accordingly allow the motion and make the following orders: 1.The applicant must first lodge its notice of appeal within seven days of the date hereof;

2.The applicant must then lodge its record of appeal within a further seven (7) days from the date of lodging the notice of appeal. These shall be my orders in the motion.

**Dated and delivered at Nairobi this 1st day of November,**

**1999.**

**R.S.C. OMOLO**

-----

**JUDGE OF APPEAL**

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

**DEPUTY REGISTRAR**



While the design, structure and metadata of the Case Search database are licensed by [Kenya Law](#) under a [Creative Commons Attribution-ShareAlike 4.0 International](#), the texts of the judicial opinions contained in it are in the [public domain](#) and are free from any copyright restrictions. Read our [Privacy Policy](#) | [Disclaimer](#)