



**IN THE COURT OF APPEAL**  
**AT KISUMU**  
**CORAM: OMOLO, J.A. (IN CHAMBERS)**  
**CRIMINAL APPLICATION NO. NAI. 32 OF 2001**

**BETWEEN**  
**ROBERT ARAKA MOSE ..... APPLICANT**  
**AND**

**REPUBLIC ..... RESPONDENT**

**(Application for leave to file an appeal out of time from  
a judgment of the High Court of Kenya at Kisii (Mr.  
Justice Waweru) dated 11th February, 2000**

**in**

**H.C.CR.APP NO. 315 "B" OF 1999)**

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**R U L I N G:**

It may be that no appeal lies as alleged by Mr. Kivihya but I think that can be taken before the Court which will hear the appeal. The appeal has already been filed and I do not think it would be right for me to refuse this motion. I allow the same and order that Criminal Appeal No. 134 of 2001 filed on 14th October, 2001 be and is hereby deemed to have been filed with the time limited by law. I so order.

**Dated and delivered at Kisumu this 19th day of November, 2001.**

**R. S. C. OMOLO**  
**JUDGE OF APPEAL**

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

**DEPUTY REGISTRAR**