



REPUBLIC OF KENYA



KENYA LAW
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**Kangongo v Republic (Criminal Appeal 111 of 2014)
[2023] KEHC 239 (KLR) (25 January 2023) (Ruling)**

Neutral citation: [2023] KEHC 239 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
CRIMINAL APPEAL 111 OF 2014
JWW MONG'ARE, J
JANUARY 25, 2023**

BETWEEN

DANIEL KIPROP KANGONGO APPELLANT

AND

REPUBLIC PROSECUTION

RULING

1. The appellant was convicted of the offence of breaking into a building and committing a felony contrary to section 306(a) of the [Penal Code](#) and sentenced to 18 months' imprisonment. Being aggrieved by the judgment and conviction, the appellant instituted the appeal vide a petition of appeal dated July 10, 2014 and filed an application seeking to be released on bail.
2. The court admitted the appellant to cash bail of Kshs. 40,000/- on 2nd June 2017 pending the hearing of the appeal. The appellant has failed to attend court and prosecute the appeal since his release and warrants of arrest have been issued against him. Learned counsel for the state stated that they have been unable to trace the appellant to execute the warrants of arrest. She prayed that the cash bail be forfeited to the state and the appeal be marked as abandoned.
3. The appellant has clearly absconded and failed to prosecute his appeal. In the circumstances I hereby make the following orders;
 - i. The appeal is dismissed for want of prosecution
 - ii. Bail be forfeited to the state
 - iii. The warrants of arrest remain in force.
 - iv. Upon the appellant being re-arrested, he is to serve his sentence less the time served before his release on bail.



It is so ordered.

DELIVERED, DATED AND SIGNED AT ELDORET ON THIS 25TH DAY OF JANUARY, 2023.

J.W.W. MONGARE

JUDGE

Ruling delivered in open court in the presence of;

1. Ms. Okok – State counsel
2. Mr. Brian – Court Assistant
3. Appellant – Absent

J.W.W. MONGARE

JUDGE

25.01.2023

