



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT MOMBASA**  
**CRIMINAL APPEAL NO. 269 OF 2008**

JOYCE WAIRIMU KARIUKI ..... APPELLANT

VERSUS

REPUBLIC .....RESPONDENT

(From original Conviction and Sentence in Criminal Case No. 3590 of 2005 of the Senior Resident Magistrate's Court at Kwale – **Hon. Ogembo D.O. - SRM**)

**JUDGMENT**

This is a Convoluted matter. Convoluted in the sense that the appellant's appeal is purported to be in respect of six (6) different cases from various Courts all over the Country.

The lower court files are namely;

1. Criminal case No. 339 of 2006 Senior Resident Magistrate Kilifi Sentence 3 years date of Sentence 16th October, 2006.
2. Criminal Case No. 380 of 2007 Chief Magistrate's Nyeri Sentence of Two years from 10th January, 2007.
3. Criminal Case No. 873 of 2006 Senior Resident Magistrate Kigumo Sentence of one year from 6th November, 2007.
4. Criminal Case No. 1376 of 2005 Chief magistrate's Court Mombasa Sentence 2 years from 20th November, 2007.
5. Criminal Case No.1948 of 2005 Principal Magistrates Court Nyahururu Sentence 3 years from 5th March, 2008.
6. Criminal Case No. 3590 of 2005 Senior Resident Magistrate's Court Kwale Sentence 4 years from 23rd September, 2008.

The Court made an order for a report on the imprisonment terms. It is indicated that she is serving a total Sentence term of fifteen (15) years and six (6) months.

The files in which she was Convicted were not consolidated.

Consolidation would have been difficult because the offences were committed on different dates and years and different counties of this Country. The only appeal petition before the Court is that in respect of Criminal case No. 3590 of 2005 which was decided on 23rd September, 2008.

Senior Resident Magistrate's Criminal case No. 3590 of 2005 is a file from Kwale. The appellant

was the first Accused. There were six (6) Accused persons in that file who were all Convicted. One of the Accused person Michael Macharia Ngatia filed appeal in the High Court Appeal No. 265 of 2008 which appeal was heard and dismissed on 3rd April, 2011 by Ojwang, Judge. The appellant in the present appeal was not a party however, but its late to the day for her to file the present appeal without leave of the Court. At any rate her appeal is shown to touch other criminal cases spanning the years 2006 – 2008.

I find her appeal Convoluted disjointed and without merit and it is dismissed.

Judgment delivered dated and signed this **14th** day of **November, 2013**.

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**M. MUYA**

**JUDGE**

**14TH NOVEMBER, 2013**

**In the presence of:-**

Tanui State Counsel

Court clerk Musundi