



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT KISUMU**

**CONST. REFERENCE NO. 6 OF 2011**

**FRANCIS KEDOGO KISANGI.....APPLICANT**

**VERSUS**

**STATE.....RESPONDENT**

**R U L I N G**

When this matter came up for hearing of the applicant's application dated 31-10-2011 the parties conceded that the court peruses the said application and make the necessary findings.

I have gone through the chamber summons and all that the applicant is asking is that the two cases namely Kisumu Criminal case No. **136 of 2010** and Kisumu Criminal case No. **98 of 2010** be consolidated and the sentences to run concurrently.

The two cases refer to the same person namely the appellant. The two cases have further been concluded and judgment given. The applicant is serving 14 months imprisonment under criminal case No. 136 of 2010 and 3 years under criminal case No. 98 of 2010. In my opinion the two cases are materially different. As a matter of fact the appellant is serving term concurrently. As soon as 14 month shall elapse then he shall continue serving the remainder of 3 years which in any event run from 8-9-2011. There is therefore no need of consolidation or otherwise.

For the above reason the applicant's application dated 31-10-2011 is dismissed.

**Dated, signed and delivered at Kisumu this 30<sup>th</sup> day of January, 2012.**

**H.K. CHEMITEI**  
**JUDGE**  
HCK/va