

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU

Criminal Appeal 172 of 2008

ERICK CHEBON NALEKEM.....APPELLANT
VERSUS
REPUBLIC.....RESPONDENT

RULING

Although the appellant through counsel filed this appeal challenging the decision in Chief Magistrate's Criminal Case No.1211 of 2006, when the appeal came up for hearing, the appellant indicated that he wished to proceed without counsel. Upon being allowed to so proceed without counsel, he made an unusual application, that is, whether the court could consolidate this appeal with H.C.CR. Appeal Nos.221of 2007 and 109 of 2007 and that after consolidation, if the court could order the sentences to run concurrently. The appellant referred to the case of **Michael Obor** Vs. **Republic**, High Court Criminal Appeal Nos.960 of 1991, 919 of 1991 and 1214 of 1996.

In this appeal, the appellant was sentenced to two years, in Criminal Appeal No.221/2007 to 4 years and in Criminal Appeal No.109/2007, to 5 years a total of 11 years. The effect of allowing this application would be a sentence of five (5) years. This kind of

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application is not covered by the provisions of **section 354** of the **Criminal Procedure Code** which provides for the powers of this court in appeals from the subordinate court.

Secondly the sentences relate to three different cases which cannot be consolidated as the offences are alleged to have been committed separately. I was unable to get the cases referred to by the appellant hence I cannot say what was decided.

The application has no merit and is dismissed. Since the appellant has not addressed me on this appeal, he will be given an opportunity to indicate what he intends to do with it.

Dated, Signed and Delivered at Nakuru this 5th day of March, 2010.

W. OUKO
JUDGE