



**Odhiambo v Republic (Criminal Appeal E021 of 2022)  
[2024] KEHC 1552 (KLR) (13 February 2024) (Order)**

Neutral citation: [2024] KEHC 1552 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MOMBASA  
CRIMINAL APPEAL E021 OF 2022  
A. ONG'INJO, J  
FEBRUARY 13, 2024**

**BETWEEN**

**NELSON AMAYO ODHIAMBO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**ORDER**

1. The High Court Criminal Appeal No. 99 of 2014. Judgement delivered on 29/10/2021. Appeal was dismissed by Mativo J.
2. The same applicant filed Misc. Application No. E018 of 2022 seeking for leave to file appeal out of time. On 3/3/2021 - Hon. Justice Mativo (as he then was) granted leave and on 29/10/2021 dismissed appellants appeal in CR. Appeal No. 99 of 2014. Misc. Application No. E018 of 2022 was filled when the Appellant knew very well that his appeal no. 99 of 2014 was pending.
3. The Appellant then filed CR. Revision No. E190 of 2022 on 20/09/2022 seeking for revision of his sentence knowing very well that he had again filed Appeal No. E021 of 2022 on 8/03/2022.
4. This is obvious abuse of court process and a waste of precious judicial time that should be used to serve other litigants who are yet to go through trial process. The Appellant is dishonest.
5. The appeal herein is struck out as being an abuse of court process. The copies herein to be kept together for future reference.

**DATED, SIGNED AND DELIVERED IN OPEN COURT/ONLINE THROUGH MS TEAMS,  
THIS 13<sup>TH</sup> DAY OF FEBRUARY 2024**

**HON. LADY JUSTICE A. ONG'INJO**

**JUDGE**



13/02/2024

Before Hon. Lady Justice A. Ong'ino J

Etropia/Ogwel - Court Asst.

Court Prosecutor - Mr. Ngiri

