



**Kangala v Republic (Miscellaneous Criminal Application
E041 of 2024) [2024] KEHC 5529 (KLR) (21 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 5529 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E041 OF 2024**

MS SHARIFF, J

MAY 21, 2024

BETWEEN

HEZEKIAH OMBETI KANGALA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant herein Hezekiah Ombet Kangala was charged and convicted of the offence of committing an indecent act with a child contrary to the provisions of Section 11 (1) of the [Sexual Offences Act](#) No. 3 of 2006. He was thus sentenced to serve a custodial term of 10 years.
2. Subsequently the applicant filed an appeal no. HCRA 63 of 2019 which he voluntarily withdrew on 8.3.2022.
3. The applicant thereafter petitioned this court for review/reduction of his sentence *vide* Misc. Cr. A. No. E119 of 2022 and the application was heard and disallowed by my sister Justice Aburili on 24.3.2023, save that the Judge directed that the 15 days that he had spent in custody prior to his release on bond be factored in when computing his term.
4. The applicant has now made a similar application for review of his sentence. This is clearly a frivolous application that classically falls within the expression of abuse of court process. I thus dismiss it for what it is and I direct that all the files of the applicant pertaining to the High Court matters be consolidated and be placed in a bundle. Further that the case update to reflect all the history of the applicant's cases.

DELIVERED, SIGNED AND DATED AT KISUMU THIS 21ST DAY OF MAY, 2024.

MWANAISHA S. SHARIFF

JUDGE

