



**Republic v Inchoong & another (Criminal Appeal 153 of 2024)  
[2024] KEHC 8504 (KLR) (15 July 2024) (Ruling)**

Neutral citation: [2024] KEHC 8504 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIBERA  
CRIMINAL APPEAL 153 OF 2024**

**DR KAVEDZA, J  
JULY 15, 2024**

**BETWEEN**

**REPUBLIC ..... APPELLANT**

**AND**

**KANG JONATHAN INCHOONG ..... 1<sup>ST</sup> RESPONDENT**

**PAUL MISORI ..... 2<sup>ND</sup> RESPONDENT**

**RULING**

1. The appellant(state) filed the present appeal challenging the decision of the trial court in acquitting the respondents in Kibera Criminal case no. 1301 of 2018. In the petition of appeal dated 25<sup>th</sup> September 2019, the appellant challenged the decision of the acquittal of the respondents by the trial court.
2. The matter came up for directions on 4<sup>th</sup> December 2023. Its was noted that the appellant had not filed their record of appeal despite having over 3 years to do so. A further mention date of 5<sup>th</sup> February 2024 was issued to enable the appellant comply. On 5<sup>th</sup> February 2024 and 19<sup>th</sup> March 2024 the appellant failed to comply.
3. On 15<sup>th</sup> July 2024, when the matter came up, the appellant did not give a reason why their appeal had not been canvassed despite being given sufficient time to do so.
4. The application is consequently dismissed for want of prosecution.

Order accordingly.

**RULING DATED AND DELIVERED VIRTUALLY THIS 15<sup>TH</sup> DAY OF JULY 2024**

**D. KAVEDZA**

**JUDGE**

