



**Katiku v Republic (Criminal Appeal E116 of 2022)
[2024] KEHC 17220 (KLR) (3 September 2024) (Judgment)**

Neutral citation: [2024] KEHC 17220 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MAKUENI
CRIMINAL APPEAL E116 OF 2022
TM MATHEKA, J
SEPTEMBER 3, 2024**

BETWEEN

CHARLES KYALO KATIKU APPELLANT

AND

REPUBLIC RESPONDENT

JUDGMENT

1. The appellant was charged with two counts of trafficking Narcotic Drugs (bhang) contrary to section 4(a) as read with 4b of the Narcotics and Psychotropic Substances Control [Act No. 4 of 1994](#).
2. He pleaded not guilty in Kilungu SRM CRC No. 351 of 2016.
3. After a full trial the trial magistrate found him guilty of the 1st count – convicted and sentenced him to serve 10 years imprisonment. In addition, the sum of Kshs. 108,500/= was forfeited as proceeds of the illegal Act – this was on 7/6/2018.
4. Thereafter he filed HCR.REV E0130/2021 – Charles Kyalo Katiku v R seeking review of sentence.
5. On 2/12/2021 the Hon. Dulu J. found the application not merited, held that the only option available for the appellant was an appeal in the Court of Appeal.
6. He had also filed HC.MISC. 41 of 2018 Charles Kyalo Katiku seeking similar orders. This file was to be closed upon the ruling in REV E031 of 2021 but it remain open.
7. The applicant filed MISC.CR. E091/2022 seeking leave to appeal out of time – the Judge (Dulu J) allowed the application – and he proceeded to file this appeal.
8. However in the ruling in HCCREV E031 of 2021 the Judge had pointed out that the applicant had filed HCCRA 42/19 which was dismissed on 1/10/2019.



9. Evidently the multiplicity of applications and appeals before this court could easily lead to an embarrassing decision from this court.
10. From the foregoing it is evident that the appellant herein already filed an appeal before this court which appeal was dismissed in 2019.
11. His application for review was rejected in 2021.
12. The applicant is seeking refuge from the wrong court as this court no longer has jurisdiction to determine another appeal having dismissed his appeal and his application for review of sentence.
13. In the circumstances the appeal is struck out.
14. Orders accordingly

DATED, SIGNED AND DELIVERED VIRTUALLY ON 3RD DAY OF SEPTEMBER 2024

MUMBUA T MATHEKA

JUDGE

