



**Kirigha v Republic (Miscellaneous Criminal Application  
109 of 2024) [2024] KEHC 12123 (KLR) (8 October 2024) (Ruling)**

Neutral citation: [2024] KEHC 12123 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIBERA  
MISCELLANEOUS CRIMINAL APPLICATION 109 OF 2024**

**DR KAVEDZA, J**

**OCTOBER 8, 2024**

**BETWEEN**

**NELSON MENGO KIRIGHA ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The appellant was charged with the offence of incest contrary to section 20(1) of the *Sexual Offences Act* No 3 of 2006. After a full trial, he was found guilty of the offence of incest and convicted accordingly. Consequently, he was sentenced to serve thirty (30) years imprisonment. This court dismissed his appeal against conviction and sentence in its decision delivered on 3<sup>rd</sup> June 2024 in Kibera High Court Criminal Appeal No 40 of 2023.
2. He has filed this application seeking to be allowed to appeal out of time to the Court of Appeal.
3. I have considered the application, the supporting affidavit and the applicable law. From the record, the applicant filed an appeal against his conviction and sentence which was heard and determined by this court. In the circumstances, the right forum for the applicant is the Court of Appeal. As such, the application is dismissed. The applicant is directed not to file any other application without leave of court.

Order accordingly.

**RULING DATED AND DELIVERED VIRTUALLY THIS 8<sup>TH</sup>OCTOBER 2024**

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**D. KAVEDZA**

**JUDGE**

