



**Omboya v Republic (Miscellaneous Criminal Application
E128 of 2022) [2023] KEHC 19001 (KLR) (19 June 2023) (Ruling)**

Neutral citation: [2023] KEHC 19001 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E128 OF 2022**

RE ABURILI, J

JUNE 19, 2023

BETWEEN

ERICK OMONDI OMBOYA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. This file is similar to HCCR Misc Application No E032 of 2023 between the same parties. The Applicant is Erick Omondi Mboya in the said file where he seeks leave of court to file an appeal out of time from Kisumu CMCRC No 525 of 2018 wherein he was allegedly convicted and sentenced to death for the offence of Robbery with violence contrary to Section 296(2) of the Penal Code on December 1, 2021.
2. He filed this matter without any document and it was registered and left in the CTS as active. The other file was opened on June 8, 2023 with the application which I have already considered and allowed.
3. Accordingly, this matter is struck out and the file is closed for duplicity.
4. Orders accordingly.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 19TH DAY OF JUNE, 2023

R. E. ABURILI

JUDGE

