



**Kageliza v Republic (Revision Case E094 of 2024)
[2024] KEHC 13829 (KLR) (6 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 13829 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT VOI
REVISION CASE E094 OF 2024
AN ONGERI, J
NOVEMBER 6, 2024**

BETWEEN

CHRISTAGEL KAGELIZA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant has made an oral application for leave to appeal out of time.
2. The Applicant was sentenced to an aggregate of 7 years imprisonment on 22nd August 2023 for the offences of Burglary contrary to Section 304, stealing from a dwelling house contrary to Section 279 (b) of the Penal Code and handling suspected stolen goods contrary to Section 322 (1) and (2) of the Penal Code.
3. The Applicant said she did not know that she had a right of appeal when she was sentenced.
4. The Applicant also said she has a small child in custody whom she delivered while in prison and another child whom she left with the paternal grandmother of the child.
5. The Prosecuting Counsel has no objection to the oral application for leave to appeal out of time.
6. Article 159 of the Constitution mandates each court and tribunal to dispense justice without undue regard to technicalities of procedure
7. The Applicant is in person and in the absence of legal representation, she may not have been aware that she has a right of appeal.
8. This court has dismissed her application for revision of the sentence on the ground that the same does not lie in the current case since she has a right of appeal.
9. It is therefore the interest of justice to grant the Applicant leave to appeal out of time.



10. The same is accordingly granted on the following conditions:-

- i. That the Applicant files her memorandum of appeal within 30 days of this date.
- ii. That the record of appeal is availed within 30 days once the proceedings have been typed in this case.
- iii. That the registry opens an appeal file forthwith.

11. This case will be mentioned on 17th December, 2024 for direction on the hearing of the appeal.

DATED, SIGNED AND DELIVERED THIS 6TH DAY OF NOVEMBER 2024 IN OPEN COURT AT VOI.

ASENATH ONGERI

JUDGE

In the presence of:-

Maina – Court Assistant

Prosecutor: Mr. Sirima

The Applicant present at Wundanyi Prison virtually

