



**Mukabali v Republic (Criminal Application E013 of 2025)
[2025] KECA 1655 (KLR) (15 October 2025) (Ruling)**

Neutral citation: [2025] KECA 1655 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT KISUMU
CRIMINAL APPLICATION E013 OF 2025
LK KIMARU, JA
OCTOBER 15, 2025**

BETWEEN

PHILIP WABOMBA MUKABALI APPLICANT

AND

REPUBLIC RESPONDENT

(Being an application for extension of time from the Judgment of the High Court of Kenya at Bungoma (Riechi, J) dated 30th September, 2020 in HCCR No. 04 of 2017)

RULING

- Philip Wabomba Mukabali, the applicant herein was tried and convicted by the High Court sitting at Bungoma of the offence of murder contrary to section 203 as read with section 204 of the Penal Code. He was sentenced to serve twenty five (25) years imprisonment. The Judgment and sentenced was delivered on 30th September, 2020. The applicant wishes to appeal against the said decision to this Court. He has explained the reason for the delay in lodging the notice of appeal in time was because an earlier appeal he had filed before this Court had not been acknowledged by the Court. This assertion by the applicant piqued the Court’s curiosity. On making inquiry from the Registry, it was established that indeed the applicant had filed an appeal on 27th January, 2021. The appeal is registered as Criminal Appeal No. E029 of 2021. It is still pending hearing and determination by this Court on account of this Court’s First In First Out policy.
- This application has therefore been filed in abuse of the Court’s process. It is hereby struck out.

DaTED AND DELIVERED AT KISUMU THIS 15TH DAY OF OCTOBER, 2025.

L. KIMARU

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JUDGE OF APPEAL



I certify that this is a true copy of original.

DEPUTY REGISTRAR.

