

**IN THE COURT OF
APPEAL AT KISUMU**

(CORAM: OMONDI, JA (IN CHAMBERS))

CRIMINAL APPLICATION NO. E149 OF

2024 BETWEEN

ALI MOHAMED WANJALA.....APPLICANT

AND

REPUBLIC.....RESPONDENT

(Being an application seeking leave to file an appeal out of time against the judgment of the High Court of Kenya at Busia (Ombija & Kariuki, JJ) dated 3rd December 2008

in

HCCRA No. 18 of 2003)

RULING

1. This matter is listed for hearing of an application by Ali Mohammed Wanjala, who had initially been convicted for the offence of robbery with violence; and sentenced to death on 19th February 2003 by the Magistrate's Court at Busia in Criminal Case No 514 of 2002. He appealed to the High Court against the conviction and sentence, in HCCRA No.18 of 2003 (Ombija, GBM Kariuki, JJ.) but his appeal was dismissed in its entirety. Undeterred, he filed an appeal in

this Court being

Kisumu Criminal Appeal No 408 of 2009 (Musinga, Kairu & Murgor, JJA.), which was also dismissed. He then petitioned the High Court at Busia for resentencing in Busia HCCr No. 05 of 2018, which was dismissed on 27th March 2019 (*Kiarie, J*).

2. He subsequently filed an application dated 1st October, 2024, seeking leave to appeal out of time. However, before he could prosecute his application he fell ill on 29th September 2025, and was admitted to Kenyatta National Teaching and Referral Hospital. A signal dated 14th October 2025, and duly signed by SP. Dan Gor on behalf of the officer in charge of Kamiti Maximum Prison indicates that the applicant died on even date. Consequently, the application is overtaken by events and is marked as abated. The file is ordered closed.

Dated and delivered at Kisumu this 13th day of February, 2026.

H. A. OMONDI

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JUDGE OF APPEAL

*I certify that this is
a true copy of the*

original.

DEPUTY REGISTRAR