

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT KIBERA**  
**MISC. CRIMINAL APPLICATION NO. E042 OF 2026**

JAMES KINYOO MUASYA.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

**RULING.**

1. The applicant was charged and convicted for robbery with violence contrary to section 296(2) of the Penal Code. He was sentenced to death by the trial court. His appeal to this court was dismissed vide Nairobi Criminal Appeal No. 164 of 2014 and the sentence later reduced to thirty (30) years.
2. He has filed the present application seeking leave to appeal out of time to the Court of Appeal. However, this court having determined the substantive appeal is functus officio. The application should be made to the Court of Appeal.
3. Consequently, the application is struck out.

Orders accordingly

**Ruling dated and delivered virtually this 23<sup>rd</sup> day of  
April 2026**

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**D. KAVEDZA  
JUDGE**

