



**REPUBLIC OF KENYA**

**IN THE COURT OF APPEAL**  
**AT KISUMU**  
**CORAM: OMOLO, SHAH & O'KUBASU, J.J.A.**

**CRIMINAL APPLICATION NO. NAI 8 OF 2002 (KSM 8/02)**

**BETWEEN**

**ABDALA OTIENO KITENGO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**(An application to amend notice of appeal in an appeal  
from a judgment of the High Court of Kenya at Kisumu  
(Kuloba J) dated 21st October, 1994**

**in  
H.C.CR.A. NO. 305 OF 1993)**

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**ORDER OF THE COURT**

The applicant, is, in reality applying to amend his notice of appeal by this application. A notice of appeal cannot be amended. The real complaint the applicant has is that his intended second appeal against the conviction of Handling Stolen Property contrary to **Section 322(2) of the Penal Code** is not being seriously pursued by the High Court Registry, which Registry appears not to have the file of that Court. It does appear, now, however, that the file is available. We cannot make any orders on this application and dismiss the same.

Made at Kisumu this 18th day of June, 2002.

**R. S. C. OMOLO**

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**JUDGE OF APPEAL**

**A. B. SHAH**

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**JUDGE OF APPEAL**

**E. O. O'KUBASU**

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**JUDGE OF APPEAL**

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

**DEPUTY REGISTRAR**