REPUBLIC OF KENYA

IN THE COURT OF APPEAL

AT KISUMU

CORAM: SHAH, J.A. (IN CHAMBERS)

CRIMINAL APPLICATION NO. NAI. 40 OF 2002 (KSM.24/2002)

ABDALLA OTIENO KITENGO .....APPLICANT

AND

REPUBLIC .....RESPONDENT

(An application for extension of time to lodge an appeal
out of time from a Judgment of the High Court of Kenya at
Kisumu (Mr. Justice Kuloba) dated 21st October, 1994
in
H.C.CR.A. NO. 305 OF 1993)
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R U L I N G

The applicant, Abdalla Otieno Kitengo , was convicted of the offence of assault causing bodily harm and was fined. In default of payment of fine he was ordered to serve six months in jail. For one reason or another he could not mount a second appeal against dismissal of first appeal by the High Court. The High Court dismissed his first appeal on 21st October, 1994. I am not told, really, what point of law the applicant may have in the intended appeal. I see none. The applicant keeps on saying he was prejudiced. I see nothing of the sort in the judgment of the High Court. The applicant persists in following up the intended appeal or rather what he callsT hteh e apapplpeiacla nta lrweialdly bfei lmeedr.ely wasting Court's time on an appeal which is not based on any point of law. I would not want to allow the applicant to indulge in the luxury of arguing a futile appeal. This application is dismissed.

Dated an delivered at Kisumu 25th day of November, 2002.

A. B. SHAH

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR