



REPUBLIC OF KENYA



**KENYA LAW**  
THE NATIONAL COUNCIL FOR LAW REPORTING  
Where Legal Information is Public Knowledge

**Lukoba v Republic (Criminal Appeal E033 of 2021)  
[2025] KEHC 7465 (KLR) (29 May 2025) (Judgment)**

Neutral citation: [2025] KEHC 7465 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT BUSIA  
CRIMINAL APPEAL E033 OF 2021  
WM MUSYOKA, J  
MAY 29, 2025**

**BETWEEN**

**KENNETH ODULWA LUKOBA ..... APPELLANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(Appeal against conviction and sentence, of 18th November 2021, in Busia CMCCRC  
No. 1697 of 2015, by Hon. Phoebe Y. Kulecho, Senior Resident Magistrate, SRM)*

**JUDGMENT**

1. This appeal was filed by Kenneth Odulwa Lukoba, through his Advocate, Messrs. Osango & Company, after his conviction on 18<sup>th</sup> November 2021 and sentence on the same date, to pay a fine of Kshs. 200,000.00, or serve imprisonment for two years in default.
2. The file was placed before me on 8<sup>th</sup> April 2024, in the presence of the Advocate for the respondent, and in the absence of the appellant. The record of appeal had not been filed. It was mentioned on 9<sup>th</sup> May 2024, in the absence of the appellant, where the record of appeal had not been filed. It was again mentioned in the absence of the appellant on 1<sup>st</sup> July 2024. Mr. Onanda for the respondent asked to file written submissions. It was mentioned on 29<sup>th</sup> July 2024, where the appellant was still absent, and I fixed it for judgement on 4<sup>th</sup> October 2024.
3. While in the process of preparing the judgement, it transpired that the record of appeal was deficient, for it had gaps. I delivered a ruling, on 22<sup>nd</sup> October 2024, asking for a complete record of appeal.
4. I next mentioned the appeal on 4<sup>th</sup> December 2024, in the absence of the appellant. The court registry had compiled a record of appeal, and I ordered that it be circulated. I also directed that the Advocate for the respondent, Mr. Osango be notified. I mentioned the matter next on 27<sup>th</sup> January 2025, and



Mr. Osango was not present. I allocated a further date for 24<sup>th</sup> February 2025 and directed that Mr. Osango be notified.

5. On 24<sup>th</sup> February 2025 he did not attend court. Mr. Onanda expressed an interest in filing submissions, and I pushed the matter to 24<sup>th</sup> March 2025. On 24<sup>th</sup> March 2025 Mr. Osango was not in court. The matter was allocated 24<sup>th</sup> April 2025, for mention, with an order for Mr. Osango to be notified. He did not attend court, and no submissions had been filed by him nor by the respondent. I allocated the matter a judgement date, hoping that the parties would file their submissions in the interim. None had been filed, by the time I started to write this judgement.
6. It looks as if the appellant has lost interest in the appeal. It would be academic for me to write judgement here. Consequently, I shall strike out the appeal for want of prosecution. The file shall be closed. Orders accordingly.

**DELIVERED, DATED AND SIGNED IN OPEN COURT, AT BUSIA, ON THIS 29<sup>TH</sup> DAY OF MAY 2025.**

**WM MUSYOKA**

**JUDGE**

Mr. Arthur Etyang, Court Assistant.

Advocates

Mr. Osango, instructed by Osango & Company, Advocates for the appellant.

Mr. T. Onanda, instructed by the Director of Public Prosecutions, for the respondent.

