



REPUBLIC OF KENYA



**Tom v Republic (Criminal Appeal E002 of 2021)  
[2024] KEHC 14939 (KLR) (28 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 14939 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT BUSIA  
CRIMINAL APPEAL E002 OF 2021  
WM MUSYOKA, J  
NOVEMBER 28, 2024**

**BETWEEN**

**GEORGE ANDEFU TOM ..... APPELLANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(Appeal from conviction and sentence by Hon. PA Olengo, Principal  
Magistrate, PM, in Busia CMCSO No. 95 of 2016, of 22nd December 2021)*

**RULING**

1. I am unable to complete writing the judgment herein, as I am yet to find the written submissions allegedly filed by the appellant.
2. When the matter came up on 3<sup>rd</sup> October 2024, he indicated that he had received the record of appeal, and had filed his written submissions. Those submissions are not in the record before me, and the registry has been unable to trace them.
3. The respondent has already filed its written submissions.
4. As the appeal is by the appellant, I shall give him the benefit of the doubt, and allow him 30 days to place his written submissions on record.
5. The matter shall be mentioned on 5<sup>th</sup> December 2024 to receive the written submissions from the appellant, and to allocate a fresh date for judgment.

**DELIVERED, DATED AND SIGNED IN OPEN COURT, AT BUSIA, THIS 28<sup>TH</sup> DAY OF  
NOVEMBER 2024.**

**W MUSYOKA**

**JUDGE**



Mr. Arthur Etyang, Court Assistant.

Mr. George Andefu Tom, the appellant, in person.

Advocates

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

