



**Muthenya v Republic (Criminal Appeal E034 of 2024)  
[2024] KEHC 16053 (KLR) (19 December 2024) (Ruling)**

Neutral citation: [2024] KEHC 16053 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIBERA  
CRIMINAL APPEAL E034 OF 2024  
DR KAVEDZA, J  
DECEMBER 19, 2024**

**BETWEEN**

**REHOBOAM MWONGELA MUTHENYA ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The appellant filed the present application dated 18<sup>th</sup> December 2024 seeking orders concerning the reopening of Criminal Appeal No.E034 of 2024 and closure of HCCRA/40/2024.The application is supported by an affidavit sworn by the advocate of the Appellant of similar dates the 18<sup>th</sup> of December 2024.
2. I have considered the application, the supporting affidavit and the applicable law. I have noted that the Respondent will not be prejudiced if the orders sought are granted as they are yet to file a response to the appeal and file written submissions.
3. In the premises I am inclined to allow the application as prayed in the following terms:
  - I. The order dated 28 October 2024 directing the closure of Appeal HCCRA E034/2024 is hereby set aside.
  - II. Case file HCCRA E034/2024 is hereby reopened for hearing.
  - III. Case file HCCRA/40/2024 is hereby closed.

Orders accordingly.

**RULING DATED AND DELIVERED VIRTUALLY THIS 19<sup>TH</sup> DAY OF DECEMBER 2024**

**D. KAVEDZA**

**JUDGE**

