



**Republic v Mung’asia & 2 others (Criminal Appeal 115 of 2019)
[2023] KEHC 3485 (KLR) (28 April 2023) (Ruling)**

Neutral citation: [2023] KEHC 3485 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAKAMEGA
CRIMINAL APPEAL 115 OF 2019**

WM MUSYOKA, J

APRIL 28, 2023

BETWEEN

REPUBLIC APPELLANT

AND

BRIAN MUNG’ASIA 1ST RESPONDENT

CONSOLATA OLUMASAI JALUO 2ND RESPONDENT

LOYCE WACEKE MWANGI 3RD RESPONDENT

*(Appeal from judgment of Hon. B. Ochieng, Chief Magistrate,
in Kakamega CMCCRC No. 2885 of 2014, of 15th August 2019)*

RULING

1. In the course of preparing judgment in this matter, it transpired that the record is missing part of the testimony of PW1, when he testified on January 14, 2015. Only a part of it appears on pages 21 and 22 of the record of appeal. The portion bearing his name and introduction is missing.
2. I am unable to complete writing judgment in the matter in the circumstances.
3. Let the Deputy Registrar cause a full or complete record of appeal to be filed.
4. The matter shall be mentioned thereafter. The judgment may be written or prepared by any of the Judges at the High Court at Kakamega.

**DELIVERED, DATED AND SIGNED IN OPEN COURT AT KAKAMEGA THIS.....28TH
.....DAY OFAPRIL..... 2023**

W MUSYOKA

JUDGE



Mr Erick Zalo, Court Assistant.

Appearances

Ms. Kagai, instructed by the Director of Public Prosecutions, for the appellant.

Mr. Munyendo, Advocate for the respondents.

