



REPUBLIC OF KENYA



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

**Macharia & another v Republic (Criminal Appeal 167 of 2023)  
[2023] KEHC 25685 (KLR) (23 November 2023) (Ruling)**

Neutral citation: [2023] KEHC 25685 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIBERA  
CRIMINAL APPEAL 167 OF 2023  
DR KAVEDZA, J  
NOVEMBER 23, 2023**

**BETWEEN**

**RACHEL WANJIRU MACHARIA ..... 1<sup>ST</sup> APPELLANT**

**PAUL MAINA MACHARIA ..... 2<sup>ND</sup> APPELLANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. I have considered the notice of motion dated 13<sup>th</sup> November 2023, supported by the affidavit sworn by the 1<sup>st</sup> appellant seeking reinstatement of the appeal their appeal dismissed for want of prosecution. Consequently, I make the following orders:
2. The appellants' appeal is reinstated.
3. The Deputy Registrar shall ensure that the original lower court file and the certified record of proceedings are submitted to the High Court at the earliest opportunity.
4. The appellant shall endeavor to prepare as soon as practicable prepare and serve a complete Record of Appeal.
5. This matter shall be mentioned virtually on 27<sup>th</sup> February 2024 for directions.
6. Notices shall issue accordingly.

**DATED AND DELIVERED IN THE ABSENCE OF THE PARTIES THIS 23<sup>RD</sup> DAY OF  
NOVEMBER 2023**

---

**D. KAVEDZA**



**JUDGE**

