

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KAKAMEGA

CRIMINAL APPEAL NO. 2 OF 2019

(CONSOLIDATED WITH KAKAMEGA HCCRA NOS. 60 AND 61 OF 2019)

(From Original Conviction and Sentence Kakamega CMCSOC No. 2 of 2006, by Hon. E. Malesi, Senior Resident Magistrate, of 23rd May 2019)

ELIAN OKARI.....1ST APPELLANT

ELVIS LISIMBA.....2ND APPELLANT

EUGINE BARASA....3RD APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

1. In the course of preparing judgment herein it has transpired that only the 1st appellant, Elian Okari, has filed written submissions. The other appellants, Elvis Lisimba and Eugene Barasa, have not.
2. It would be unjust to determine the matter without the input of the two appellants.
3. It is not clear from the record whether the Deputy Registrar furnished them with copies of the typed proceedings and judgment, to enable them draft written submissions.
4. I shall accordingly direct the Deputy Registrar to follow up to ensure the said appellants are furnished with the records and that their written submissions are received.
5. I shall allocate a date for mention at the delivery of this ruling.

DELIVERED, DATED AND SIGNED IN OPEN COURT AT KAKAMEGA THIS 19TH DAY OF MARCH, 2021

W MUSYOKA

JUDGE