

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KABARNET

CRIMINAL APPEAL NO 194 OF 2017

STEPHEN KIPTUL.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

RULING AND ORDER

1. In the course of preparing the ruling in respect of producing additional new evidence in the instant application, it came to light that the appeal had been heard and had been set down for judgement on 19th December 2018 by this court (Muriithi, J). It also came to light that before the delivery of the said judgement the appellant filed an application seeking leave to produce new additional evidence pursuant to the provisions of section 358 (1) of the Criminal Procedure Code (Cap 75) Laws of Kenya.
2. Furthermore, there is no indication that the appellant made any application to arrest the judgement of this court (Muriithi,J) before making an application for additional new evidence.
3. In the premises, I am not able to proceed further in the matter. I therefore direct the Deputy Registrar of this court to place both the appeal and the application for additional new evidence before Muriithi, J for further directions.

Order signed, dated and delivered in open court at Kabarnet this 29th day of September 2021 in the presence of Mr. Kemboi, Court Assistant, Mr. Kiptoo holding brief for Mr. Chepkilot and Mr. Mong'are for the Respondent.

J M BWONWONG'A

JUDGE