

REPUBLIC OF KENYA
IN THE HIGH COURT AT BUSIA
CRIMINAL APPEAL 34 OF 2006

ARMSTRONG WANDERA :::::::::::::::::::: APPELLANT

VS

REPUBLIC :::::::::::::::::::: RESPONDENT

RULING

During the mention of the appeal, the counsel for the appellants made an oral application to amend the petition of appeal of the second appellant, Armstrong Wandera.

The thrust of counsels argument is that, the petition of appeal was drawn by the second appellant personally and does not bring out all the factual and legal issues raised in the proceedings and/or judgment.

That counsel would like to bring the petition in harmony with the petition of appeal of the 1st appellant with a view to seeking consolidation of the two appeals to be argued together.

Mr. Ndege for the state has no objection to the amendment.

I have scanned through both petitions and find as a matter of fact and law that amendment would be necessary to facilitate consolidation.

Accordingly, I grant the application and order that the amendment be done within 14 days from the date of this order. Thereafter the appeal should be fixed for mention for purposes of consolidation and subsequently hearing.

DATED and DELIVERED at BUSIA this 22nd day of December, 2006.

N.R.O. OMBIJA

JUDGE

Mr. Makali for the applicant.

NA for the state.