



**Republic v Kiprono (Criminal Appeal E010 of 2024)
[2025] KEHC 13101 (KLR) (24 September 2025) (Ruling)**

Neutral citation: [2025] KEHC 13101 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL APPEAL E010 OF 2024
A MABEYA, J
SEPTEMBER 24, 2025**

BETWEEN

REPUBLIC APPELLANT

AND

NELSON CHERUIYOT KIPRONO RESPONDENT

RULING

1. I have seen the Affidavit of Joseph Kiprotich Kirui of 14/7/2025. He has annexed a document showing information that this CRA No. E010 of 2024 had been updated to ‘Dismissed’.
2. However, the record both in the file and CTS has nothing of that nature.
3. Accordingly, although the affidavit has been made in good faith, it does not reflect the true position of this matter.
4. Accordingly, I hold that on 6/12/2024, Muteti J did not dismiss the matter but rather assigned a new date 19/12/2024 when nothing happened. He had directed that the respondent either appears physically or under warrant of arrest in default. So did I on 9/7/2025.
5. Since however, I have seen the contents of the Replying Affidavit by Mr. Kirui, there may have been a *bonafide* mistake on the part of the respondent and his counsel.
6. I therefore will not at this point issue the Warrant of Arrest but do direct that the respondent physically appears in Court on 23/10/2025 for highlighting. In the event he fails for the 3rd time to appear a Warrant of Arrest shall issue and he shall remain in custody until this matter is concluded.

It is so directed.

DATED AND DELIVERED AT KISUMU THIS 24TH DAY OF SEPTEMBER, 2025.

A. MABEYA, FCI Arb



JUDGE

