



**Republic v Musumba (Criminal Case E007 of 2022)
[2024] KEHC 5023 (KLR) (17 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 5023 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUSIA
CRIMINAL CASE E007 OF 2022
WM MUSYOKA, J
MAY 17, 2024**

BETWEEN

REPUBLIC PROSECUTION

AND

JEREMIAH OCHUADA MUSUMBA ACCUSED

RULING

1. This matter is due for sentencing. On May 7, 2024, the parties addressed me extensively on mitigation of sentence, after the pre-bail report was availed. Medical records were placed on record, to demonstrate that the convict had serious medical challenges, and I was invited, at the tail end of the sentencing hearing, to consider allowing him to be treated or attended to at the Spine and Speciality Hospital, Nairobi, or at the Aga Khan Hospital, Kisumu, before I pronounce the sentence on him.
2. The prosecution did not express itself on that request, and I shall presume that it was not opposed.
3. On humanitarian grounds, I shall not pronounce sentence at this stage, so as to allow the convict to be attended to or treated of his current ailments. I direct that the prison service shall escort the convict to the Aga Khan Hospital, at Kisumu, for treatment. As the cost of that treatment is specialised, it may be way beyond what the prison authorities can accommodate, within their budget lines, therefore, I direct that any such treatment, at that facility, shall be at the convict’s own personal cost.

DELIVERED, DATED AND SIGNED IN OPEN COURT AT BUSIA ON THIS 17TH DAY OF MAY 2024

WM MUSYOKA

JUDGE

Mr. Arthur Etyang, Court Assistant.

Mr. Austine Adewa, Probation Officer.



Advocates;

Ms. Chepkonga, instructed by the Director of Public Prosecutions, for the State.

Mr. Onsongo and Mr. Ipapu, instructed by Obwoye Onsongo & Company and Ipapu P Jackah & Company ,
Advocates for the accused person.

