



**Republic v Nderi (Criminal Miscellaneous Application
E022 of 2023) [2024] KEHC 13680 (KLR) (18 July 2024) (Ruling)**

Neutral citation: [2024] KEHC 13680 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT CHUKA
CRIMINAL MISCELLANEOUS APPLICATION E022 OF 2023**

LW GITARI, J

JULY 18, 2024

IN THE MATTER OF AN INTENDED APPEAL

BETWEEN

REPUBLIC APPLICANT

AND

MICHAEL MUTHEE NDERI RESPONDENT

RULING

1. The applicant had filed a Criminal Revision seeking a review of the sentence passed on him in Chuka High Court Criminal Case No.6/2019. The record shows that on 29/6/2021 that application was dismissed as he had filed an appeal in the Court of Appeal which was still pending. The Appeal in the Court of Appeal was marked as withdrawn on 27/9/2023 as per the order of that court which is annexed to the Appellant’s submissions. The applicant has filed submissions in High Court Misc. Application which as I have observed above was dismissed by this court. The submissions were filed in Misc. Criminal Application No.E022/2023. In his submissions the applicant states that he was convicted in the High Court Chuka Criminal Case No.6/2019. The proceedings in that court file have not been availed to this court and the court is not able to ascertain what transpired in that file.
2. I therefore make an order that the Deputy Registrar do avail the High Court Chuka Criminal case No.6/2019. The proceedings therein be served on the Respondent to enable them to file their submissions to the petition.

DATED, SIGNED AND DELIVERED AT CHUKA THIS 18TH DAY OF JULY 2024.

L.W. GITARI

JUDGE

