



**Maiyo v Republic (Criminal Appeal 69 of 2019)
[2023] KEHC 20609 (KLR) (21 July 2023) (Ruling)**

Neutral citation: [2023] KEHC 20609 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAKAMEGA
CRIMINAL APPEAL 69 OF 2019
WM MUSYOKA, J
JULY 21, 2023**

BETWEEN

LEONARD KIPROP MAIYO APPELLANT

AND

REPUBLIC RESPONDENT

(Appeal from conviction and sentence by Hon. CC Kipkorir, Senior Resident Magistrate, SRM, in Mumias SPMCRC No. 433 of 2018, of 6th June 2019)

RULING

1. I am unable to write the judgment herein for the record is not complete, as the original handwritten trial court records have never been availed, and the available record of typed proceedings does not have a copy of the charge sheet and the judgment of the trial court.
2. The matter is not mature for judgment-writing.
3. It is regrettable that the order by Njagi J, of February 19, 2020, directing the Deputy Registrar to call for these records has never been complied with.
4. Let the Deputy Registrar do the needful, and thereafter place the file before my successors at Kakamega, for judgment-writing.

**JUDGMENT DELIVERED, DATED AND SIGNED IN OPEN COURT AT KAKAMEGA
THIS.....21STDAY OFJULY..... 2023**

W MUSYOKA

JUDGE

Mr. Erick Zalo, Court Assistant.



Appearances

Ms. Kagai, instructed by the Director of Public Prosecutions, for the respondent.

