



**Republic v Onyancha & 2 others (Criminal Case 36 of 2010)
[2023] KEHC 20551 (KLR) (Crim) (20 July 2023) (Ruling)**

Neutral citation: [2023] KEHC 20551 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
CRIMINAL
CRIMINAL CASE 36 OF 2010
DR KAVEDZA, J
JULY 20, 2023**

BETWEEN

REPUBLIC PROSECUTOR

AND

PHILIP ONDARA ONYANCHA 1ST ACCUSED

TOBIAS NYABUHANGA ARAD 2ND ACCUSED

DOUGLAS OBIERO MAKORI 3RD ACCUSED

RULING

1. I have heard Mr. Omirera for the state. His view is that Justice Wakiaga did not consider the evidence of the state and that he prefers to appeal the matter and had indeed already filed an appeal to the court of appeal which directed that the record of appeal should be prepared.
2. However according to Mr. Omirera, the High Court registry has never prepared the said record of appeal to enable him to file the appeal with the appeal as directed by the Court of Appeal.
3. It is the prosecution case and if the state counsel is not ready to proceed before me as directed by Justice Kimondo and prefers to appeal first, I would direct that the Deputy Registrar should and Must within 14 days prepare a digitized record of appeal to enable Mr. Omirera to file the appeal.
4. This matter shall be mentioned on July 31, 2023 to confirm compliance by the Deputy Registrar

RULING READ, DELIVERED AND DATED THIS 20TH DAY OF JULY 2023.

D. KAVEDZA



JUDGE

