



**Shitakha v Republic (Criminal Appeal E037 of 2022)  
[2023] KEHC 21010 (KLR) (1 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 21010 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KAKAMEGA  
CRIMINAL APPEAL E037 OF 2022  
WM MUSYOKA, J  
AUGUST 1, 2023**

**BETWEEN**

**WYCLIFFE SHITAKHA ..... APPELLANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(Appeal from conviction and sentence by Hon. JR Ndururi, Principal Magistrate, PM, in Kakamega PMCSO No. 80 of 2020, of 26th April 2022)*

**RULING**

1. The original trial court records in Kakamega PMCSO No 80 of 2020 have not been made available.
2. I am unable to write the judgment herein, in the circumstances.
3. The Deputy Registrar shall cause the original trial court records to be availed.

**RULING DELIVERED, DATED AND SIGNED IN OPEN COURT AT KAKAMEGA  
THIS.....1<sup>ST</sup>.....DAY OF .....AUGUST..... 2023**

**W MUSYOKA  
JUDGE**

Mr. Erick Zalo, Court Assistant.

**Appearances**

Mr. JJ Mukavale, Advocate for the appellant.

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

