



REPUBLIC OF KENYA



**Republic v Nyaga (Criminal Appeal E004 of 2023)  
[2024] KEHC 12614 (KLR) (22 October 2024) (Ruling)**

Neutral citation: [2024] KEHC 12614 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT BUSIA  
CRIMINAL APPEAL E004 OF 2023  
WM MUSYOKA, J  
OCTOBER 22, 2024**

**BETWEEN**

**REPUBLIC ..... APPELLANT**

**AND**

**SAMUEL NYAGA ..... RESPONDENT**

*(Appeal from conviction and sentence by Hon. P. Olengo, Senior Principal Magistrate, SPM, in Busia CMCCRC No. 1265 of 2021, of 3rd May 2021)*

**RULING**

1. I am unable to write the judgment herein, as, although the original trial court records were availed, no record of appeal has been filed.
2. Things should always be done properly at all times.
3. Let the appellant file, or the High Court criminal registry prepare, a proper record of appeal, before this file is placed before the Judge for preparation of a judgment.
4. Mention on 18<sup>th</sup> November 2024.

**RULING IS DELIVERED, DATED AND SIGNED IN OPEN COURT, AT BUSIA, THIS 22<sup>ND</sup> DAY OF OCTOBER 2024.**

**W MUSYOKA**

**JUDGE**

Mr. Arthur Etyang, Court Assistant.

Advocates

Mr. Onanda, instructed by the Director of Public Prosecutions, for the appellant.

