



**Republic v Muchiri (Criminal Case 31 of 2019)
[2024] KEHC 14057 (KLR) (11 November 2024) (Directions)**

Neutral citation: [2024] KEHC 14057 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
CRIMINAL CASE 31 OF 2019
HI ONG’UDI, J
NOVEMBER 11, 2024**

BETWEEN

REPUBLIC PROSECUTOR

AND

BENSON MUCHIRI ACCUSED

DIRECTIONS

1. This matter is coming up for Ruling on sentence today (11th November, 2024). Upon perusal of the record I note that Judgment herein was delivered by H. K. Chemitei J on 22nd November, 2022 in the absence of the accused but in the presence of his counsel Mr. Ikua. The Hon. Judge gave a mention date for 29th November, 2023 before this court for directions on sentencing. On the said date the accused who was out on bond did not attend court.
2. Following counsel Ikua’s explanation the court gave a further mention on 14th December, 2023 and called for a pre-sentencing report. The accused did not appear before court which issued a Warrant of arrest and a summons for his surety. He was later availed under Warrant of arrest on 29th January, 2024 but fell ill while in the cells. He was rushed to hospital. The court was on 1st February, 2024 notified by the prosecution counsel Mr. Konga of the accused’s disappearance while in hospital. He was not heard of until 9th July, 2024 when he was presented to the court under Warrant of arrest.
3. In the meantime, the pre-sentencing report by the probation was filed on 19th January, 2024 though its dated 22nd January, 2024. I have deliberately set out the above history to confirm that the pre-sentencing report did not capture anything about the accused’s conduct after delivery of the Judgment to his arraignment in court on 9th July, 2024 under Warrant of arrest.
4. I therefore expunge the said report from the record and direct the probation office to file another pre-sentencing report within 14 days. The same should not be undertaken by Mr. Samuel Ndung’u who did the expunged report. Mention on 27/11/2024 to confirm filing of the report and a Ruling date.



Orders accordingly.

DELIVERED, DATED AND SIGNED THIS 11TH DAY OF NOVEMBER, 2024 IN OPEN COURT.

H. I. ONG'UDI

JUDGE

