

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NANYUKI

CRIMINAL APPEALS NOS 13 & 14 OF 2020

(CONSOLIDATED)

1. PAUL MAYUNGA

2. KIJA LUHENYA.....APPELLANTS

VERSUS

REPUBLIC.....RESPONDENT

(Appeal from original Sentence in Nanyuki CM Criminal Case No 959 of 2019 – Njeri Thuku, PM)

ORDER

19/08/2021: In Chambers before Hon Justice H P G Waweru

1 The Appellants herein, **PAUL MAYUNGA** and **KIJA LUHENYA** (who were respectively the 1st and 2nd accused before the trial court) were convicted upon their own plea of the offence of ***being unlawfully present in Kenya*** contrary to **section 53(1)(j) & (2)** of the ***Kenya Citizenship and Immigration Act, 2011***. They were on 09/08/2019 each sentenced to serve 12 months imprisonment and to be repatriated to their county, Tanzania upon completion of sentence. They appealed against sentence only, particularly the term of imprisonment of 12 months imposed.

2 This court heard their appeals on 09/03/2020 and reserved judgment for 26/03/2020. Unfortunately the ***Covid-19 Pandemic*** happened, and in the ensuing confusion this matter escaped the attention of the court. As a result the Appellants have long finished their sentence.

3 In the circumstances these appeals are hereby deemed withdrawn and are so marked. It is so ordered. The files to be closed.

DATED AND SIGNED AT NANYUKI THIS 19TH DAY OF AUGUST 2021

H P G WAWERU

JUDGE

DELIVERED AT NANYUKI THIS 14TH DAY OF OCTOBER 2021