

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KAKAMEGA

CRIMINAL APPEAL NO. 173 OF 2018

(From Original Conviction and Sentence in Mumias Senior Principal Magistrate's Court

Criminal Case No. 783 of 2016 (Hon. FM Nyakundi, RM) of 9th November 2018)

ERNEST TWABALABA SONGORO.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

1. In the course of preparing the judgment herein I have struggled to make sense of the proceedings that were conducted by the trial court with little success. I am unable to read the handwritten record, yet the typed record makes no sense at all.
2. I doubt that I would do justice to the matter were I to determine it with the typed proceedings in that condition.
3. I shall accordingly direct the Deputy Registrar to cause the typescript/transcript to be proofread again by a person familiar with the handwriting of Hon. FM Nyakundi, RM, so that we can get a more accurate record of what transpired at the trial court.
4. The matter shall be mentioned after one month for further directions.
5. It is so ordered.

DELIVERED, DATED AND SIGNED IN OPEN COURT AT KAKAMEGA THIS 17th DAY OF January, 2020

W MUSYOKA

JUDGE