



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

CRIMINAL APPEAL NO. 53 OF 2019 [SO]

(CORAM: R. E. ABURILI - J.)

DAN OTIENO OKOTH.....1ST APPELLANT

RICHARD ODONGO OBONYO.....2ND APPELLANT

DENNIS ODHIAMBO OKELLO.....3RD APPELLANT

VERSUS

REPUBLIC..... RESPONDENT

(Being an Appeal against sentence and conviction in a judgment delivered at Bondo PM's court vide Sexual Offence Case No. 63 of 2018 dated 28.6.2018 before Hon. E.N. Wasike, SRM)

JUDGMENT

1. I have perused the trial court record and I observe that the offence with which the appellants were charged is serious. They were convicted and sentenced to serve 15 years imprisonment. However, there is no indication as to which language the witnesses or the appellants testified in.
2. In the premise, I quash the conviction of the appellants and set aside the sentence imposed and order that all the three appellants shall be retried for the same offence by Bondo PM's court.
3. Mention on 24/2/2020 before Bondo PM's court for further orders and or plea. Production order to issue for Bondo PM's court.
4. The Appellants shall be remanded at Siaya G.K. prisons and produced before Bondo PM's court.
5. Orders accordingly.

Dated, signed and delivered at Siaya, this 19th day of February, 2020

R.E. ABURILI

JUDGE

In the presence of:

Dan Otieno Okoth, 1st Appellant

Richard Odongo Obonyo, 2nd Appellant

Dennis Odhiambo Okello, 3rd Appellant

Mr. Okachi, Senior Principal Prosecution Counsel for Respondent

Court Assistants: Brenda Achieng and Modestar Mutiemani