

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KAKAMEGA

MISC. CRIMINAL APPLICATION NO. 79 OF 2017

HILLARY SINDICHI CHIKUNZIA APPLICANT

VERSUS

REPUBLICRESPONDENT

RULING

1. The applicant has filed an application dated 29th August, 2017 seeking for orders that he be served with a copy of the trial proceedings in Vihiga Senior Principal Magistrate's Court Criminal Case No. 27 of 2012 and the records of appeal in Kakamega HCCRA. No. 188 of 2013 so as to enable him lodge an appeal with the Court of Appeal, Kisumu.
2. The application was filed by the applicant in person. Later on **Mr. Malalah**, Advocate, came in record for him. The matter henceforth proceeded as if the application before the court was one for re-sentencing for the offence of robbery with violence. Mr. Malalah filed mitigation for the applicant and a probation officer submitted a pre-sentencing report.
3. From the foregoing, it is clear that the application before the court is for the applicant to be supplied with copies of proceedings and judgment of both the trial at the lower court and the appeal at Kakamega High Court. The application proceeded on the mistaken belief that it was one for re-sentencing which it never was. I can only grant the applicant the orders sought in the application dated 29/8/2017.
4. In the premises, I do order the court's Deputy Registrar to supply the applicant with the documents sought in his application dated 29/8/2019.

Delivered, dated and signed at Kakamega this 15th day of October, 2020.

J. NYAGA NJAGI

JUDGE

In the presence of:

No appearance for Applicant

Mr. Mutua for respondent

Applicant – present through video link to G.K. Prison, Kakamega

Court Assistant - Polycap