

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MALINDI

MISCELLANEOUS CRIMINAL APP. NO. 94 OF 2018

JACKSON JUMA RUA..... PETITIONER

VERSUS

REPUBLIC..... RESPONDENT

Coram: Hon. Justice R. Nyakundi

Petitioner in person

Mr. Alenga for the respondent

RULING

This is an application by the applicant which he seeks an order grounded upon Article 22 (1) of the Constitution relating to the missing records of appeal.

There is no sufficient material to show that the petitioner's records are missing to elevate the claim to a constitutional infringement of his rights.

It is important to state here that no evidence has been availed that prior to this petition the petitioner filed a notice of appeal against **HCR No. 29 of 2013**. The same is dismissed for lack of merit.

DATED, SIGNED AND DELIVERED AT MALINDI THIS 17TH DAY OF SEPTEMBER, 2019

.....

R. NYAKUNDI

JUDGE