

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL DIVISION

CRIMINAL APPEAL NO. 87 OF 2018

GERISHON OKUDO OTIENO.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

1. Notice of Motion dated 3/3/2019 by the Appellant sought to be allowed to adduce additional evidence, the same being proceedings in Makadara Criminal Case No. 6270 of 2012 Abdul Rahim Irungu & Gerishon Otieno in which he was one of the accused persons. The proceedings are intended to demonstrate that he was in remand custody at the time he was charged with the offence that is subject of the instant appeal.

2. The application was not opposed by the Respondent. This court called for the original trial court file which will constitute a reference point for determination in the appeal. Accordingly, there being no opposition to the application, the same is allowed.

Dated and Delivered at Nairobi This 5th November, 2019.

G.W.NGENYE-MACHARIA

JUDGE.

In the presence of:

1. Oronga h/b for Biko for the Appellant

2. Mr. Momanyi for the for the Respondent