

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KAKAMEGA

CRIMINAL APPEAL NO. 4 OF 2018

(From Original Conviction and Sentence in Butere Principal Magistrate's Court Criminal Case No. 39 of 2015 (Hon. M.I. Shimenga, RM) of 22nd November 2017)

HABIL ONYIMBO.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

1. I am unable to complete preparation of the judgment herein as the record of appeal placed before me is incomplete.
2. The charge sheet attached to the record is not related to the proceedings the subject of this appeal, that is to say Butere PMCCRC No. 39 of 2015, Republic vs. Habil Onyimbo, where the child victim was Theresia Inyuma, for the charge sheet presented relates to Butere PMCCRC No. 209 of 2014, Republic vs. Bernard Makacha Litokho, where the child victim was Martha Nabalayo.
3. I cannot possibly do justice in the matter without the proper records.
4. I shall accordingly direct the Deputy Registrar to cause the proper record to be filed so that I can complete preparation of the judgment. It is so ordered.

DELIVERED, DATED AND SIGNED IN OPEN COURT AT KAKAMEGA THIS 11TH DAY OF DECEMBER, 2019

W. MUSYOKA

JUDGE