



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT SIAYA**

**SIAYA CRIMINAL APPEAL NO. 30 OF 2018**

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

**MAURICE OMONDI.....APPELLANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

***(Being an appeal against the conviction and sentence in a Judgment delivered on 25.06.2018 in Cr. Case No. 23 of 2018 (SO) at SIAYA Law Court before Hon. J. Ongo'ondo - PM)***

**JUDGMENT**

This Appeal challenges the Plea of guilty taken before Hon. James Ongondo, PM Siaya in Siaya PM Cr. Case No. 23 of 2018 (SO) on 25<sup>th</sup> June 2018.

Both the Prosecution and Defence agree that the Plea was equivocal and that therefore the same should be set aside.

I have considered the Appeal and concession by the Prosecution. I am in agreement that the plea was equivocal. The offence is serious. However, as time has not run so much from the date of alleged offence and as the exhibits are in the file, I allow the Appeal, quash the conviction and set aside the sentence imposed on the Appellant and set him at liberty unless otherwise lawfully held.

I however, order that the Appellant shall be produced before Siaya PM's Court on 13/11/2018 for a fresh plea to be taken in a retrial. Exhibits to be returned to the Prosecution.

***Dated, Signed and Delivered at SIAYA this 5<sup>th</sup> day of November 2018.***

**R.E. ABURILI**

**JUDGE**