

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT GARISSA

CRIMINAL APPEAL NO. 58 OF 2016

(From original conviction and sentence in Criminal Case No. 30 of 2008 of the Chief Magistrate's Court at Garissa – D.A Orimba – SRM).

IBRAHIM MARAYE DAGANE APPELLANT

V E R S U S

REPUBLICRESPONDENT

RULING

In this matter wherein the appellant has filed an appeal as well as an application under Article 159(2) and 50(1), and 165(3) of the Constitution, and in which leave to appeal out of time has already been granted, my view is that in the best interests of justice, the appeal be fixed for substantial hearing. In my view, this court cannot at an appellate stage give directions on family reconciliation as requested by the appellant in the application above.

I will thus proceed to fix a hearing date for the appeal and order that the original trial court file be produced for the hearing of the appeal, as the appellant has already supplied a typed copy of the trial court proceedings for this 2008 Criminal case.

Dated and delivered at Garissa this 10th day of November 2016.

GEORGE DULU

JUDGE