



**REPUBLIC OF KENYA**

**IN THE HIGH COURT AT MALINDI**

**CRIMINAL REVISION NO. 20 OF 2014**

*(From the original conviction and sentence in criminal case no. 257 of 2013 of the Chief Magistrate's Court at Malindi before Hon. L. W. Gicheha "C SPM)*

**NELSON SALANO OMUTOMA.....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**RULING ON REVISION**

This revision is in respect of Criminal Case No. 257 of 2013 which has been reported to me for orders under Section 364(1) of the Criminal Procedure Code.

Reviewing the record of the Lower Court I note that the facts tendered in proof of the charge were deficient as the ballistic expert's report was not placed before the plea court.

I do therefore quash the conviction and direct that the accused be produced before the Senior Principal Magistrate for fresh plea.

Mention on 14th February, 2014 for that purpose.

Delivered and signed at Malindi this **12th** day of **February, 2014**.

**C. W. Meoli**

**JUDGE**