



REPUBLIC OF KENYA



**KENYA LAW**  
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**Republic v Oloo (Criminal Case E1776 of 2022)  
[2023] KEMC 323 (KLR) (24 August 2023) (Ruling)**

Neutral citation: [2023] KEMC 323 (KLR)

**REPUBLIC OF KENYA  
IN THE NAKURU LAW COURTS  
CRIMINAL CASE E1776 OF 2022  
PA NDEGE, SPM  
AUGUST 24, 2023**

**BETWEEN**

**REPUBLIC ..... PROSECUTION**

**AND**

**PETER MUGA OLOO ..... ACCUSED**

**RULING**

1. The accused person herein, Peter Muga Oloo, was on 19.05.2022 charged with two offences of Obtaining Goods by False Pretense contrary to section 313 of the *Penal Code* where he denied that on 25/04/2022 at Kaptembwo in Nakuru West sub-County within Nakuru County, with intent to defraud, he obtained 1 welding machine valued at Kshs. 20,000/= from Fredrick Ooko Keno, by falsely pretending that he will pay later (sic). In the second count, he was charged with Handling Stolen Goods contrary to Section 322 of the same Code, wherein he also denied that on the same date at Jericho area within Nyandarua County, otherwise than in the course of stealing, he dishonestly received or retained 1 welding machine, valued at Kshs. 20,000/= knowing or having reason to believe it to be stolen goods.
2. On 06/06/2022, the proceedings herein show that the court, then presided over by Hon. Y. I. Khatambi, Principal Magistrate (PM), encouraged the parties herein to settle the matter out of court. On the next court date, 02/11/2022, the proceedings again show that the accused person herein agreed to settle the claim.
3. On 22/2/2023, the accused informed the court that they had settled the matter. The matter has since been mentioned pending a possible withdrawal of this case. The complainant has however never attended these proceedings. The accused person on his part insists that he has finished paying the debt herein.
4. Since the complainant is not present to confirm whether he no longer wishes to continue with these proceedings, and we cannot also force him to withdraw, I will fix this matter for a hearing. The



prosecutions to present their evidence and the accused to interrogate the same. The issues being raised by the accused person herein might come out clearly during the hearing.

5. I have also noted some anomaly in the charges herein, especially the one in the first count. This is due to the fact that I recently came into this matter. The prosecution may consider rectifying it.

**DATED, SIGNED AND DELIVERED AT NAKURU IN OPEN COURT THIS 24<sup>th</sup> DAY OF AUGUST, 2023**

**ALOYCE-PETER-NDEGE**

**SENIOR PRINCIPAL MAGISTRATE**

In the presence of;

Court interpreter: Janet

Prosecutions counsel: Chinga

Accused person: Present

Chinga: We can take a date

Accused: I cannot say much

CT. Hg on 15/11/2023

Victim/ complainant:

