

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT BUSIA
CIVIL APPEAL NO. E002 OF 2025

THE HONOURABLE ATTORNEY
GENERAL....APPELLANT

VERSUS

JUSTUS SHIKUNGA WERE.....1ST
RESPONDENT

DINESH KUMAR PATEL.....2ND
RESPONDENT

**(Appeal from the judgement and decree of Hon. Lucy
Ambasi, Chief Magistrate in Busia CMCC No. 87 of
2020, of 27th April 2023)**

RULING

1. I am unable to write a judgment in this matter, as the appellant has not filed a record of appeal, and the judgment, impugned in the appeal, is not in the original trial records, availed by the trial court.

2. Let the appellant file a record of appeal, complete with a copy of the impugned Judgment.

3. Let the Deputy Registrar cause the original trial court judgment to be traced, and placed in the original trial court records.
4. The matter shall be mentioned thereafter, before the Judge, on a date to be allocated by the Deputy Registrar.

**DELIVERED, VIA EMAIL, DATED AND SIGNED IN
CHAMBERS, AT BUSIA ON THIS 9TH DAY OF
FEBRUARY 2026.**

**WM MUSYOKA
JUDGE**

Mr. Arthur Etyang, Court Assistant, Busia.

Advocates

Mr. Nyauma, instructed by the Attorney General, for the appellant.

Mr. Okutta, instructed by Ouma-Okutta & Company, Advocates for the 1st respondent.