



**Nakitare v Republic (Criminal Appeal 37 of 2015)  
[2023] KECA 167 (KLR) (14 February 2023) (Decision)**

Neutral citation: [2023] KECA 167 (KLR)

**REPUBLIC OF KENYA  
IN THE COURT OF APPEAL AT KISUMU  
CRIMINAL APPEAL 37 OF 2015  
PO KIAGE, F TUIYOTT & WK KORIR, JJA  
FEBRUARY 14, 2023**

**BETWEEN**

**RONALD SIMIYU NAKITARE ..... APPELLANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(An appeal from the judgment of the High Court of Kenya at Bungoma  
(H.A. Omondi, J.) dated 24th November, 2014 in HCCRA No. 149 of 2012)*

**DECISION**

1. This is an appeal against sentence only. Mr. Okango, learned counsel for the respondent, concedes the appeal on sentence and proposes that the sentence be reduced from the term given by the trial court to the time already served.
2. In the circumstances, the appeal be and is hereby allowed. The sentence of 20 years' imprisonment imposed by the trial court is set aside and substituted with a term sentence of the time already served.
3. The appellant shall accordingly be set at liberty forthwith, unless otherwise lawfully held. The full reasons for our decision shall be rendered on May 12, 2023.

**DATED AND DELIVERED AT KAKAMEGA THIS 14<sup>TH</sup> DAY OF FEBRUARY, 2023.**

**P. O. KIAGE**

**JUDGE OF APPEAL**

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**F. TUIYOTT**

**JUDGE OF APPEAL**



.....  
**W. KORIR**

.....  
**JUDGE OF APPEAL**

*I certify that this is a true copy of the original.*

**DEPUTY REGISTRAR**

