



**SJ alias S v Republic (Criminal Appeal 192 of 2018)
[2023] KECA 1264 (KLR) (25 October 2023) (Order)**

Neutral citation: [2023] KECA 1264 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT KISUMU
CRIMINAL APPEAL 192 OF 2018
HM OKWENGU, HA OMONDI & JM NGUGI, JJA
OCTOBER 25, 2023**

BETWEEN

SJ ALIAS S APPELLANT

AND

REPUBLIC RESPONDENT

*(Appeal from the Judgment of the High Court of Kenya at Busia (Tuiyott, J.)
dated 16 th November, 2014 in CONSTITUTIONAL PETITION NO.5 of 2014)*

ORDER

1. This matter was listed before us today for hearing of the substantive appeal. The appellant is present in court, so is his counsel Mr Okoyo Omondi. Mrs Busienei is also present for the Republic.
2. Upon considering the written submissions filed by the respective parties and hearing the oral submissions made by Mr Omondi and Mrs Busienei, we allow this appeal and set aside the order that was made by this Court in Criminal Appeal No 622 of 2010 for the appellant to be detained at the President's pleasure, and order that the appellant be released forthwith, unless otherwise lawfully held. We shall give the detailed reasons for our determination on this matter on the March 8, 2024.

MADE AT KAKAMEGA THIS 25TH DAY OF OCTOBER, 2023.

HANNAH OKWENGU

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JUDGE OF APPEAL

H. A. OMONDI

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JUDGE OF APPEAL



JOEL NGUGI

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR

