



REPUBLIC OF KENYA



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**Ndeto v Republic (Criminal Appeal E040 of 2024)
[2025] KEHC 9212 (KLR) (26 June 2025) (Judgment)**

Neutral citation: [2025] KEHC 9212 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MARSABIT
CRIMINAL APPEAL E040 OF 2024**

**FR OLEL, J
JUNE 26, 2025**

BETWEEN

BONFACE NDETO APPELLANT

AND

REPUBLIC RESPONDENT

(Being an appeal against the original Conviction and sentence of the Hon (Mrs) Christine Wekesa, Senior Principal Magistrate delivered on 04.11.2024 in Marsabit SPMCR No 045 of 2023)

JUDGMENT

1. The Appellant, Bonface Ndeto Nyithya, was charged on three (3) different counts. On count one, he was charged with the offence of being in possession of a firearm, contrary to section 4(2),(a) as read with Section 4(3),(a) of the *Firearms Act*, Cap 114, laws of Kenya. The particulars were that on the 8th day of October 2023, at around 0030hrs at Logologo area in Marsabit south sub county, he was found being in possession of a firearm; A Relay Falcon Pistol S/NO RFLIA 1909103377 loaded with a magazine of 13 rounds of 9 x 19 mm of ammunition.
2. On count two, the Appellant was charged with the offence of being in possession of ammunition contrary to section 4(2),(a) as read with Section 4(3) of the *Firearms Act*, Cap 114, laws of Kenya. The particulars were that on the 8th day of October 2023, at around 0030hrs at Logologo area in Marsabit South Sub-County of Marsabit county, he was found being in possession of a firearm magazine loaded with 13 rounds of 9 x 19mm ammunition.
3. On county three, the appellant was charged with the offence of preparation to commit a felony contrary to section 308(1) of the penal code. The particulars were that on the 8th day of October 2023 at around 0030hrs at logologo area in Marsabit south sub county of Marsabit county, jointly with others not before court were found armed with a dangerous weapon namely Relay Falcon pistol S/NO RFLIA 190910377 loaded with a magazine of 13 rounds of 9 x19mm of ammunition without a permit while



travelling using a motor cycle Registration Number KMGE 195X along Laisamis-Marsabit highway with intent to commit a felony namely highway robbery.

B. Evidence At Trial

4. PW1 Pc Stephen Macharia recalled that on 08.10.2023 at around 09.00hrs, he was with his colleagues Pc Gilbert Odhiambo and PC Boke carrying out routine patrol within Logologo shopping center, when they received information that two men had been spotted hiding within a bush situated along Isiolo- Marsabit highway. Together with some members of the public, they proceeded to the scene and indeed found the two men. One of the suspects took off, but they gave chase and managed to arrest him.
5. The said suspect who took to his heels and was arrested after being chased was the Appellant herein, and after their arrest, both suspects were taken to Logologo police station and later transferred to Laisamis police station. Under cross-examination, PW1 confirmed that they found the accused and his co-accused seated under a tree, which was beside the road, and the local community members were apprehensive since they were non-locals and were strangers within the said area.
6. PW2 Senior Sgrrt Moses Nyota testified that based on information received during his investigations, the Appellant and his co-accused Brian Mwangi Nderi had left Nairobi on 06.10.2023 on motor motorcycle Registration Number KMGE 199X, which the Appellant was riding, while his co-accused was his pillion passenger. On the first night, they drove until Marala, which was their destination, and spent the night within the said town. On the following morning, they were joined by a third unknown person and took the Wamba route, riding towards Marsabit. while enroute, they got a puncture and also suffered a mechanical problem, which they had to sort out before proceeding on with their journey.
7. On reaching Logologo town, they were stopped for routine police inspection, but the appellant refused to be searched. The three decided to run away, and in the process, one of the suspects dropped a pistol, which was recovered and noted to have been of make: Relay Falcon S/NO 190910377, and it had a magazine containing 13 rounds of 9 x 19mm ammunition. On the following evening (08.10.2023), the appellant and his co-accused Brian Mwangi were arrested in the bushes within Logologo town by members of the public and were taken to Logologo police station, where they were identified by the police officers who had confronted them the previous night.
8. On being informed, he proceeded to Logologo police station, where he found the appellant and his co-accused and further confirmed that they had physical injuries, occasioned by assault inflicted on them by members of the public during arrest. He proceeded to transfer the said suspects to Laisamis police station and commenced investigations by forwarding the pistol and ammunition to DCI headquarters for ballistic examination.
9. Under cross-examination, PW2 confirmed that he was briefed by his fellow police officers as to what had occurred during the initial interaction between the accused/ his colleagues and the police on patrol, but was not personally present at the scene. All he could confirm was that the police did stop the trio and, on being searched, the appellant had refused, and a scuffle ensued, which allowed all the suspects to run away.
10. In that process, the appellant had dropped the pistol and magazine, which contained 13 live ammunition, both of which were recovered by the police officers who had intercepted them. He reiterated that the appellant was positively identified after arrest by the police officers who had initially intercepted them, as the suspect, who had carried the recovered Falcon Pistol in his jacket and had dropped the same while running away.



11. Under cross-examination by the 2nd accused person, PW2 reiterated his earlier evidence that it was the Appellant who had the gun and ammunition within his coat, while the 2nd accused was a pillion passenger.
12. PW3 Cpl Daniel Mumo testified that in October 2023, he was stationed at Logologo police station as the commanding officer and recalled that on 06.10.2023 at about 2.35 a.m., they were on patrol along Isiolo - Marsabit road, when a motorcycle carrying a rider and two pillion passengers came along. The said motorcycle was registration Number KMGE 195S, make Boxer, white in colour. They stopped the said motorcycle and, upon interrogating its occupants, they opted to frisk them.
13. They searched the first two passengers who cooperated, but on attempting to search the 3rd passenger, he resisted the said exercise. A struggle ensued between the said passenger and the officer searching him, and in the process his jacket fell off, dropping two phones, make Itel and Infinix, and a Falcon pistol containing 13 rounds of ammunition. The three suspects took to their heels and managed to escape, but they retained the recovered items above mentioned.
14. PW3 further testified that on the following day at about 11:45 hours, he was called by the area chief who informed him that some suspects had been seen within Logologo township and that they had been chased and arrested by the locals. He dispatched his officers, who rearrested the suspects and whisked them to Logologo police station, where he identified the two as the suspects earlier encountered on the previous night. He further positively identified both the appellant and his co-accused in court.
15. Under cross-examination by the Appellant, PW3 confirmed that he was sure that they were the persons who had earlier escaped, though the 3rd suspect was never found/ arrested. He also confirmed that during the initial confrontation, the appellant and his colleagues had dropped a helmet, jacket, the Falcon pistol, ammunition, and two phones, which his colleague Mr Gatere had recovered. Further, during the confrontation, the said Mr Gatere had fired two rounds of ammunition, while he had fired one round to scare them into submission, but they had still managed to run away into the bush to escape.
16. Under cross-examination by the 2nd accused person, PW3 confirmed that he was the motor bike rider and that upon searching him, they had not recovered any illegal item on him. He further affirmed that both the Appellant and his co-accused were apprehended by members of the public on the following day. On re-examination, he confirmed that it was the appellant who was in possession of the pistol and had dropped the same during the encounter with them.
17. PW4 Inspector Francis Karori Njoroge testified and stated that he was a firearm examiner attached to DCI Headquarters, and had been trained on the same at the Regional forensic laboratory in Khartoum, Sudan. He had also received further training in the same field from the USA and, UK. His core duty included firearm identification and examination of its components. Concerning the material case, they had on 11.10.2023 received and exhibit memo form forwarded by PW2, and the accompanying Exhibits were: One Falcon Pistol Serial No A 190910377 (Exhibit A) and 13 live rounds of ammunition (Exhibit B1 to B13). They were required to determine if Exhibit A could fire live ammunition, whether Exhibits B1 to B13 were live ammunition, and lastly, if Exhibit A could fire Exhibits marked B1 to B13.
18. Upon examination, he confirmed that the Exhibit marked A was a pistol caliber 9MM BAK (9 X22mm), designed to chamber and fire rounds of ammunition in caliber 9mm EAK (9 X22mm). The said pistol was in good physical and mechanical condition and had all its components intact, including its 15-round detachable box magazine. Further, he had successfully test-fired it using three rounds of ammunition picked randomly from the lot provided – Exhibit B1 to B13, which were all ammunition



in caliber of 9mm BAK (9 X 22mm). He had also recovered the test cartridges and marked them as TC1 to TC3 for comparison purposes.

19. From his examination, he formed the opinion that Exhibits A and B1 to B13 were capable of being fired and were a firearm and ammunition, respectively, as defined under the *Firearms Act*, Cap 114. Further comparative microscopic examination of the test cartridge cases marked TC1 to TC3, fired in exhibit A, confirmed that it was an equivalent caliber crime cartridge. Upon completion of his examination, he prepared his report dated 05.12.2023 and produced the same into evidence.
20. Under cross examination, PW4 confirmed that his duty was only to undertake the forensic examination and did not extend to proving that the firearm belonged to the 1st accused person.

C. Defence Case

21. The Appellant testified and stated that he was a resident of Masiga in Machakos County and was a broker for a company known as Benix Limited. In his free time, he also engaged in boda boda business within Ruai bypass and was a budding author. He confirmed that he and his co-accused had started the journey from Nairobi, and they intended to participate in the Maralal camel derby and also search for granite stone (blue sapphire and green sapphire) within Marsabit county
22. They had started their journey from Nairobi on 05.10.2025 and arrived at Suguto late at night. The following day, they attended the camel derby held at Maralal town and spent the said night there. On 08.10.2023, they decided to proceed to Loyangalani via Wamba and, at about 10.00 pm, were stopped at a police checkpoint at Merille township. The said policemen showed them where they could sleep, but unfortunately discovered that the said hotel was fully booked. They thereafter opted to proceed to Logologo township, hoping to get accommodation for the night.
23. While enroute to Logologo, they met a stranger, who stopped them and he offered to show them a place where they could stop and spend the night. When they reached Logologo roadblock, a police officer came to interrogate them and started to conduct body search on all of them. The next thing he heard was a voice shouting, “ua ua” i.e. “kill kill”, then the police fired from his gun. In the ensuing confusion, he fled into the bush and later, while wandering, met his brother Brian.
24. A few hours later, while still within the bush, the area chief and other local residents traced and arrested them before taking them to Logologo police station. He faulted the police for falsely accusing him of wrongdoing, yet he had not committed any crime. He also pointed out that the prosecution witnesses had made contradictory statements with regard to who was carrying the gun and its size. It was also doubtful if the said gun was in his possession as his fingerprints were not picked therefrom. He thus asked the court to find in his favour and proceed to acquit him.
25. Under cross examination, the appellant affirmed that he had sufficiently explained his movement from 5th to 8th October 2023, but did not have any proof in court to show that he did indeed attend the camel derby held at Maralal nor did he have any receipts show that he had spent several nights at different lodgings within Samburu.
26. The 2nd accused person (Brian Mwangi Nderi) in defence also testified and stated that he was a boda boda rider and during his normal duties had met and befriended the appellant, who hired his services as he journeyed to Marsabit in search of granite. Thus, on 05.10.2023, they started their journey and rode to Suguta, where they spent a night at a local lodging. On 06.10.2023, they attended the camel derby, which took place at Maralal sports ground, and on the third day, they embarked on their journey to Marsabit, which journey was cut short when they were arrested at Logologo.



27. What occurred was that, at about midnight, they were stopped at a police roadblock at Logologo Shopping Center. He was the first person to be searched and made to stand by the side of the motorcycle. As the police officer was searching the second person, who was the person they had offered a lift from Merille, he heard a voice shouting, “ua, ua” and then gunshots were fired. Fearing for his life, he dashed and sought cover inside the bush and stayed therein until the following morning.
28. He encountered some Samburu herders, who robbed him of his belt, phone, and money. He also bumped into the person they had given a lift, and he was mad at him, insinuating that he was the one who had set them up for arrest. Later, they were all arrested and escorted to Logologo police station, and were later transferred to Laisamis police station. He pleaded his innocence and averred that he was a hired rider and did not intend to commit any offence.
29. Under cross-examination, the 2nd accused person reiterated that the appellant had hired him from Ruiru and told him that they were going to search for granite stones at Loiyangalani, within Marsabit County. He confirmed that he did not have his own plans and nor did not have any ulterior motive when he embarked on this journey from Ruiru.
30. At the close of the defence case, the trial court considered the evidence adduced by both parties, the submissions tendered, and proceeded to convict the Appellant on all three charges levelled against him. Upon mitigation, he was sentenced to serve a term of seven years on counts one and two, while on count three, he was sentenced to serve three years' imprisonment. The said sentences were to run concurrently from the time of his arrest.

D. THE APPEAL

31. Being wholly dissatisfied with the said conviction and sentence, the Appellant filed his petition of Appeal and raised the following grounds of Appeal;
 - a. The learned Trial Magistrate never accorded me a fair trial.
 - b. The learned Trial Magistrate failed to consider his mitigation.
 - c. The learned trial magistrate erred in matters of law and fact by failing to consider my defence.
32. The Appellant thus sought to have his conviction and sentence to be quashed and he be set free forthwith.
33. This being the first appeal, this court is expected to re-evaluate the evidence tendered before the trial court and to come up with its own logical conclusion by taking into account the fact that it did not have the advantage of seeing and hearing the witnesses and their evidence, and/or seeing their demeanour. This court relies on the finding of the Court of Appeal in *Kiilu & Another V Republic*, [2005] 1 KLR 174, where they stated thus:

“An appellant on a first appeal is entitled to expect the evidence as a whole to be submitted to a fresh and exhaustive examination and to the appellate court’s own decision on the evidence. The first appellate court must itself weigh conflicting evidence and draw its own conclusions.

It is not the function of a first appellate court merely to scrutinize the evidence to see if there was some evidence to support the lower court’s findings and conclusions; only then can it decide whether the magistrate’s findings should be supported. In doing so, it should make



allowance for the fact that the trial court has had the advantage of hearing and seeing the witnesses.”

34. Also in the case of Republic Vs Edward Kirui (2014) eKLR, the Court of Appeal quoted the Supreme Court of India case of Murugan & Another Vs State by Prosecutor, Tamil Nadu & Another (2008) INSC 1688 where the case of Bhagwan Singh Vs State of M. P. (2002)4 SCC 85 was cited as follows:-

“The paramount consideration of the court is to ensure that miscarriage of justice is avoided. A miscarriage of justice which may arise from the acquittal of the guilty is no less than from the conviction of an innocent. In a case where the trial court has taken a view of ignoring the admissible evidence, a duty is cast upon the High Court to re-appreciate the evidence on appeal for the purpose of ascertaining whether all or any of the accused has committed any offence or not.”

35. I have considered the entire record of Appeal, the trial bundle record, and the submissions on record filed by the parties. It is correctly conceded by the respondent that the Appellant’s conviction for the offence of preparation to commit a felony contrary to section 308(1) of the Penal code is not safe because without other supporting independent evidence mere possession of a firearm is not of itself conclusive proof that the Appellant intended to commit a felony.

36. Secondly I find that the issues for determination are as follows;

- a. Whether the Appellant was found in actual possession of the firearm. If not whether he had knowledge of the possession by any other person.
- b. Whether the sentence should be quashed and/or set aside.

Issue one;

Whether the Appellant was found in actual possession of the firearm. If not whether he had knowledge of the possession by any other person.

37. Section 4 of the Penal Code, which is the interpretation section, defines “possession” as follows;

SUBPARA (3)

“Possession”

SUBPARA (4),(a)

“be in possession of” or “have in possession” includes not only having in one’s own personal possession but also knowingly having anything in the actual possession or custody of any other person, or having anything in any place (whether belongs to or occupies by oneself or not) for the use or benefit of oneself or any other person;

SUBPARA (5),(a)

if there are two or more persons and any one or more of them with the knowledge and consent of the rest has or have anything in his or their custody or possession, it shall be deemed and taken to be in the custody and possession of each and all of them;

38. The Black’s Law Dictionary, 10th Edition also defines the term “possession” to mean –

The fact of having or holding property in one’s power, the exercise of dominion over property. The right under which one may exercise control over something to the exclusion



of all others; the continuing exercise of the claim to the exclusive use of a material object. Something that a person owns or controls.”

39. The definition of possession connotes two elements –
1. being in physical control of the items of the offence and or in joint control with another.
 - (2) knowledge or intention of having the article, instruments, thing or items constituting the offence.
40. In the case of *Jean Wanjala Songoi & Patrick Manyola v Republic* (2014)eKLR, the court expounded the same as follows:
- “...Possession would involve an element of control of the thing a person is said to have. It is, in effect, the act of having and controlling property. The right under which a person can exercise control over something to the exclusion of all others. In this case, the aspect of the offence was not established beyond reasonable doubt against the appellants.”
41. In *Peter Mwangi Kariuki v Republic* (2015)eKLR, Mativo J. held as follows on the subject:
- In my view, possession includes two elements; namely being in physical control of the item and knowledge of having the item. To be guilty of possession, an accused person must be shown to have knowledge of two things, namely, that the accused knew the item was in his custody, and secondly, he knew that the item in question was prohibited. A person has possession of something if the person knows of its presence and has physical control of it, or has the power and intention to control it.
42. Finally, in *Ahamad Abolfathi Mohammed & another v Republic* [2018] eKLR, the Court of Appeal in constructing the provisions of Section 4 of the *Penal Code* held that the section encompasses both actual and constructive possession. The Court held that:
- In our view, under that provision, having the RDX does not require the appellants to be in actual, personal physical possession of it. So long as there is evidence on record that they knowingly had the RDX at the golf course for their own use or that of any other person, that will constitute possession within the meaning of the *Penal Code*. Indeed in *Martin Oduor Lengo & 2 Others v. Republic* [2014] eKLR and *Chripine Kent Otieno v. Republic* [2017] eKLR, this Court affirmed that possession under section 4 of the *Penal Code* encompasses both actual and constructive possession.
43. PW4 Inspector Francis Karori Njoroge confirmed that undertook forensic examination of the recovered Raley Falcon pistol Serial No 190910377 and the 13 ammunition in caliber 9mm BAK (9 X 22mm) and formed the opinion that both were capable of being fired and were a firearm and ammunition respectively as defined under the Firearm Act, Cap 114.
44. PW1 and PW2, who were the arresting and re-arresting police officers, were not at the initial scene when a confrontation ensued between the suspects and the police, resulting in the recovery of the pistol and the ammunition. Reliance was solely placed on the evidence of PW3 to prove the same. The said witness confirmed that on the night of 08.010.2023, they were on routine patrol and had placed a police road block along the Isiolo- Marsabit road when they stopped a motorcycle, which had three pillion passengers.
45. They searched the first two passengers, and while searching for the 3rd passenger, he objected to the same and started to struggle with the police officer until they fell down. In the process, the suspect's



jacket fell off, and he dropped two phones, make Infinix and Itel, and a Falcon pistol loaded with 13 rounds of ammunition. All three suspects took advantage of this situation and managed to escape into the bush.

46. On the following day, at around 11:45 hours, he got a call from the area chief, who informed him that some suspects had been seen within Logologo area and had been arrested by members of the public. He sent his officers to re-arrest the said suspects, and when they were brought to the station, he recognized them as the persons whom they had encountered and had escaped on the previous night. He also identified the appellant as the person who was in physical possession of the said Pistol and ammunition.
47. In defence, the appellant admitted to being in the group, who were accosted by the police at Logologo police road block, but denied being in possession of the pistol and ammunition. He passed this blame to the 3rd unnamed passenger, whom they had given a lift while enroute to Marsabit. The Appellants' evidence on this aspect was backed by his co-accused, who similarly testified that the pistol/ammunition recovered was in the possession of the unknown 3rd party, whom they had offered a lift.
48. The Appellant further faulted the trial court for convicting him based on the prosecution's evidence that was riddled with inconsistencies, contradictions, and uncorroborated evidence. In particular, he pointed out that the PW2 and PW3 provided contradictory evidence regarding the registration number of the recovered motorcycle. PW2 had also stated that it was Brian Ndeto, his co-accused, was the person in possession of the pistol, and finally, submitted that PW3 did not properly identify him as the incident occurred at midnight, and PW3 had not noted his physical identity.
49. On contradictory evidence, as was noted in *Twehangane Alfred vs. Uganda*, Crim App. No. 139 of 2001, [2003] UGCA, 6:

“With regard to contradictions in the prosecution’s case the law as set out in numerous authorities is that grave contradictions unless satisfactorily explained will usually but not necessarily lead to the evidence of a witness being rejected. The court will ignore minor contradictions unless the court thinks that they point to deliberate untruthfulness or if they do not affect the main substance of the prosecution’s case.”
50. In *Joseph Maina Mwangi vs. Republic* [*CA No. 73 of 1992*](#) (Nairobi) the Court of Appeal held that: -

“In any trial there are bound to be discrepancies. An appellate court in considering those discrepancies must be guided by the working of Section 382 of the [*Criminal Procedure Code*](#), viz whether such discrepancies are so fundamental as to cause prejudice to the Appellant or they are inconsequential to the conviction and sentence.”
51. In this case, I have myself subjected the evidence adduced to fresh scrutiny, and though it is true that there were minor inconsistencies in the evidence of certain witnesses, which is common, I am unable to find that the same were material enough to warrant interference with the decision. Specifically, PW2 was not at the scene of recovery of the Falcon pistol, and his evidence as to who had possession of the said pistol is hearsay.
52. On the issue of identification, as was held in *Charles O. Maitanyi v Republic*, it is necessary for the trial court to test the evidence of a single witness with respect to identification, and, absence of collaboration should be treated with great care. In *Kariuki Njiru & 7 others v Republic* the court further held that evidence relating to identification must be scrutinized, and should only be accepted and acted upon if the court is satisfied that the identification is positive and free from the possibility of error.



53. Finally, it is also trite law that in evaluating the accuracy of identification testimony, the court should also consider such factors as: -
- a. What were the lighting conditions under which the witness made his/her observation?
 - b. What was the distance between the witness and the perpetrator?
 - c. Did the witness have an unobstructed view of the perpetrator?
 - d. Did the witness have an opportunity to see and remember the facial features, body size, hair, skin, color, and clothing of the perpetrator?
 - e. For what period of time did the witness actually observe the perpetrator?
 - f. During that time, in what direction were the witness and the perpetrator facing, and where was the witness's attention directed?
 - g. Did the witness have a particular reason to look at and remember the perpetrator?
 - h. Did the perpetrator have distinctive features that a witness would be likely to notice and remember?
 - i. Did the witness have an opportunity to give a description of the perpetrator? If so, to what extent did it match or not match the accused, as the court finds the accused's appearance to have been on the day in question?
 - j. What was the mental, physical, and emotional state of the witness before, during, and after the observation?
 - k. To what extent, if any, did that condition affect the witness's ability to observe and accurately remember the perpetrator?
54. While there is no doubt as to the fact that, it was the Appellant and his co accused who were the persons who escaped arrest at Logologo police road check, on the early morning of 08.10.2023, PW3 did not state how he positively identified the appellant as the culprit who was carrying the pistol as the confrontation had occurred at night. His evidence, as to positive identification was scanty at best and it fell short of clearly identifying who, between the Appellant and/or the unidentified 3rd party, had possession of the Falcon pistol. The identification evidence, therefore, lacked sufficiency, and it cannot be said to be free from error.
55. Finally, even though the evidence adduced did not establish if the Appellant was found in physical possession of the Falcon pistol and 13 rounds of ammunition, Section 4 of the penal code further provides that possession may be constructive, where it can be constituted that the arrested persons were in joint control of the prohibited item with another. To succeed on this point, the prosecution has to establish joint knowledge or intention of having the article, instruments, thing, or items constituting the offence.
56. The Appellant and his co-accused both testified that they had given the third party a lift from Merille and thus was not a party known to them. They further insisted that he was the person who was found in possession of the Falcon pistol and got into a confrontation with the police at Logologo police road block. While the veracity of events as raised by the appellant cannot be vouched and must be taken with a pinch of salt, it still raises doubt as to whether they knew the said 3rd party and/or had common knowledge/ joint intention to be in possession of the said prohibited items. This small doubt must be cast in the appellants favour.



E. Disposition

- 60. It is evident, beyond any doubt, that the prosecution's evidence failed to meet the stringent standard of proof required in such matters. The appellant was ultimately convicted on uncorroborated testimony, which undermines the reliability and safety of the said conviction.
- 61. Given these circumstances, I find that the said conviction was unsafe and cannot be sustained.
- 62. Consequently, the appeal is deemed meritorious and is hereby allowed. The conviction entered by the trial court is quashed, and the sentence imposed upon the appellant is set aside. The appellant is hereby acquitted and shall be released unless otherwise lawfully held.
- 63. It is so Ordered.

JUDGMENT READ, SIGNED AND DELIVERED IN VIRTUALLY COURT AT MARSABIT THIS 26TH DAY OF JUNE 2025.

FRANCIS RAYOLA OLEL

JUDGE

Delivered on the virtual platform, Teams this 26th day of JUNE 2025.

In the presence of:-

.....Appellant

.....For O.D.P.P

.....Court Assistant

