



**Republic v Kimathi & 2 others (Criminal Revision 363 of 2024)
[2024] KEHC 16008 (KLR) (19 December 2024) (Ruling)**

Neutral citation: [2024] KEHC 16008 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL REVISION 363 OF 2024
DR KAVEDZA, J
DECEMBER 19, 2024**

BETWEEN

REPUBLIC APPLICANT

AND

DERRICK KIMATHI 1ST RESPONDENT

STEPHEN KILONZO 2ND RESPONDENT

GREEN WELLS ENERGIES LTD 3RD RESPONDENT

RULING

1. The respondents were charged with the offence of manslaughter contrary to section 202 as read with section 205 of the *Penal Code*. During their trial, the court gave orders on 30th October 2024 releasing exhibits to the respondents and ordered that photographs be taken following an application seeking the same.
2. Aggrieved by this decision, the applicant has filed the present application seeking a revision of the trial court's order allowing the release of the exhibits to the Respondents. Additionally, the applicant seeks an order to the respondent to file a proper application before the court now seized with the matter.
3. Upon considering the application, and the annexures, the court's primary duty at this stage is to assess whether the applicant would suffer prejudice if the orders sought are not granted. Granting the orders is imperative to prevent irreparable harm, as allowing the trial to proceed at without the exhibits would defeat the purpose of the trial.
4. In view of the foregoing, I hereby make the following orders:
 - i. I hereby set aside the orders of the trial court issued on 30th October 2024 in Kibera Chief Magistrate's Misc. Application Case No. E716 of 2024 *Green Wells Energy Ltd vs*



Inspector General of Police and 2 others releasing the exhibits to the Respondents hearing and determination of this application.

- ii. The applicant is directed to serve the respondents with the application within seven (7) days from the date hereof.
- iii. Upon service, the respondents are directed to file their respective responses within fourteen (14) days.
- iv. If need be, the applicant can file their rebuttal thereto.
- v. The application shall be heard virtually on 21st January 2025.

Orders accordingly.

DIRECTIONS DATED AND DELIVERED VIRTUALLY THIS 19TH DAY OF DECEMBER 2024

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D. KAVEDZA

JUDGE

