



**Chege & another v Republic (Criminal Case E014 of 2022)  
[2023] KEHC 2705 (KLR) (29 March 2023) (Directions)**

Neutral citation: [2023] KEHC 2705 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIVASHA  
CRIMINAL CASE E014 OF 2022  
GL NZIOKA, J  
MARCH 29, 2023**

**BETWEEN**

**APC LAWRENCE CHEGE ..... 1<sup>ST</sup> ACCUSED**

**APC JULIUS KUKUTIA ..... 2<sup>ND</sup> ACCUSED**

**AND**

**REPUBLIC ..... PROSECUTOR**

**DIRECTIONS**

1. On July 18, 2022, the state signed an information sheet wherein two accuseds namely APC Lawrence Chege and APC Julius Kukutia were charged with the offence of murder contrary to section 203 as read with section 204 of the Penal Code.
2. Subsequently both accuseds were served with summons to appear in court. The 1<sup>st</sup> accused appeared but the 2<sup>nd</sup> accused has never appeared. As a result a warrant of arrest was issued against him on October 12, 2022. The warrant of arrest has been extended on several occasions. The court was then informed that, the state was encountering difficulties in executing the warrant of arrest through DCIO Nakuru. The state sought the warrant of arrest be issued to be served through National Police Service and DCI Headquarters.
3. The order was granted. Later the court was informed on the 5<sup>th</sup> day of December 2022 that the warrant of arrest was received by one Elijah Kiarie of IPOA, but had not been executed. The state sought for summons to issue to the DCIO to explain why the warrant of arrest had not been executed. The order was granted.
4. Subsequently No 231654 Mr Adan Ahmed Hassan appeared in court on December 15, 2022 and explained the efforts made to trace and arrest the 1<sup>st</sup> accused. He then sought for more time and the court ordered the warrant of arrest remain in force.



5. On January 30, 2023, Mr Adan SCCO told the court, the elders from the accuseds home area had told him, they would get the accused and avail him, and sought for more time. However, on February 13, 2023 the DCIO-through Mr Adan had no report of the arrest of the suspect or any possibility of the same. It is clear that, the alleged efforts to arrest the 2<sup>nd</sup> accused are not bearing any fruits. As it is the police to arrest him and they have failed to do so. The case cannot continue in court as the warrant of arrest keep being extended with no indication of arresting the accused. I therefore direct that, this order/direction or ruling be served upon the DPP and DCIO Headquarter for the necessary action of either arresting the accused forthwith or withdrawal of the charges, for the 1<sup>st</sup> accused to proceed with a plea and the case be fixed for hearing.

It is so ordered.

**Dated, delivered and signed on this 29<sup>th</sup> day of March 2023**

**GRACE L. NZIOKA**

**JUDGE**

In the presence of:

Mr. Atika for the State

Mr. Owuor for the 1<sup>st</sup> accused-present

Ms Ogutu: Court Assistant

Accuseds- Absent

