



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MILIMANI-NAIROBI
CRIMINAL REVISION NO. E 011 OF 2022
DIRECTOR OF PUBLIC PROSECUTIONS.....APPLICANT
VERSUS
EDWIN WANG'ONDU GITHAIGA.....RESPONDENT

RULING ON REVISION

The ODPP has applied to have the order of the learned Senior Principal Magistrate (Hon. R. K. Ondieki) dated 19/1/2022 to be revised because that order has not captured what the respondent/accused told the court. The record of the proceedings of 19/1/2022 shows that:

“Ms Gakobo: I have no objection the same can be lifted.

Ms Gakobo: The matter is part heard and we can take directions on section 200(3) of the Criminal Procedure Code.

Court: Section 200(3) of the Criminal Procedure Code explained to the accused. Warrants of arrest lifted.

Accused: I apply that the matter proceeds from where it had reached.”

It is clear that Section 200 (3)” of the Criminal Procedure Code [Cap. 75] Laws of Kenya was complied with, since the respondent/accused clearly told the court that he waited his case to proceed from where it had reached.

the response of the respondent/accused was after he was informed of his rights under Section 200 (3) of Criminal Procedure Code.

In the circumstances, I find that Section 200 (3) of Criminal Procedure Code was complied with the result that the order made by the trial court is proper and does not warrant to be revised.

In the premises, I decline to revise the order of the trial court.

The application is therefore dismissed in its entirety,

Ruling signed, dated and delivered in open court at Nairobi this 25th day of February 2022.

J M BWONWONG’A

JUDGE

In the presence of-

Mr. Kinyua - Court Assistant

Ms Kahoro holding brief for Ms Gakobo for the Applicant

Mr. Onindo for the Respondent