



REPUBLIC OF KENYA



**Chaka v Republic (Criminal Revision E058 of 2022)
[2022] KEHC 11649 (KLR) (21 April 2022) (Judgment)**

Neutral citation: [2022] KEHC 11649 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MOMBASA
CRIMINAL REVISION E058 OF 2022**

JM MATIVO, J

APRIL 21, 2022

BETWEEN

NGOWA KARUNZA CHAKA APPLICANT

AND

REPUBLIC RESPONDENT

*(From Original Conviction and Sentence in Criminal Case
No. E345 of 2021 of the SRM's Court at Msambweni)*

JUDGMENT

1. This matter was placed before me today i.e. 21/4/2022 despite the fact that the letters requesting for Revision was received on 6/4/2022 more than two weeks ago. Delayed administration of justice has been the bane of Kenya's judiciary, but regrettably the bulk of this delay can be traced to the registries and the slow manner in which they receive and attend to matters.
2. Time has come for registry staff to wake up and realize that the dictate in article 159(2) requiring expeditious administration of justice cannot be achieved if the attitude to work does not change, and positively aim at a result oriented approach.
3. The matter has been placed before me by way of revision pursuant to section 362 of the *Criminal Procedure Code* which empowers the High Court to call for the lower court's record and satisfy itself on the legality or propriety of and judgment, order or proceedings.
4. On 24/3/2022 the trial magistrate stayed the trial to allow the accused to move to the High Court. It is not clear under which provision of the law the trial court granted the said order nor is the propriety of the order clear.



5. The court simply refused to review bail terms and the counsel for the accused applied for stay to move to the High Court. To my mind, the counsel should have approached the High Court instead of seeking to stay the proceedings in the lower court.
6. I am satisfied that this is a proper case for the court to review the said order. No prejudice will be suffered by the accused since nothing stops him from approaching the High Court.
7. I therefore set aside the orders issued on 22/3/2022 staying criminal Case No. E345/2021 and order that the said case proceeds for hearing.

SIGNED, DATED AND DELIVERED VIRTUALLY AT MOMBASA THIS 21ST DAY APRIL 2022.

JOHN M. MATIVO

JUDGE

