



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NYERI**

**CRIMINAL REVISION 140 OF 2020**

**SAMUEL MURAGE MAINA .....APPLICANT**

**VERSUS**

**REPUBLIC .....ODPP**

**RULING ON REVISION**

1. The applicant was charged with the offence of defilement contrary to Section 8 (1) and (2) of the Sexual Offences Act in CR. CASE NO. 21 of 2018 before the Mukuruweini Court.
2. By a letter dated 4<sup>th</sup> September, 2020 the applicant requested for a transfer of this case from Mukuruweini Law Courts to Othaya Law Courts for hearing and determination.
3. The reason he seeks for the transfer of his case is because the case has taken an inordinately long period of time to be heard and be determined, whereas his other cases had long been heard and determined.
4. This court notes that the application has been filed as a revision as opposed to a normal application for transfer of a case.
5. The applicable Law on Revision is found at Sections 362 and Section 364 of the Criminal Procedure Code. Under revision there must be an illegality or irregularity in the proceedings; or a finding, sentence or order that been made by the lower court, which is not proper or correct. The duty of this court would then be to proceed to remedy or reverse such orders, findings or sentences as mandated by Section 364.
6. This court, took it upon itself to a call for and to peruse the lower Court record upon such perusal found nothing there that demonstrates any illegality or irregularity in the proceedings before the trial court sitting at Mukuruweini.
7. The applicant has also not provided this court with any order or finding by the trial court that warrants remedy or reversal by this court.
8. For the foregoing reasons the application does not justify the orders sought for revision.
9. The application is found lacking in merit and is hereby disallowed.
10. The file to be returned back to Mukuruweini Law Courts for hearing and determination before the name subordinate court.

Orders Accordingly

**Dated, Signed and Delivered at Nyeri this 22<sup>nd</sup> day of February, 2021.**

**HON. A. MSHILA**

**JUDGE**