

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NANYUKI

MISC. CRIMINAL APPLICATION NO E002 OF 2021

DANIEL MURIUKI WANJIRU.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

R U L I N G

1. The Applicant herein, **DANIEL MURIUKI WANJIRU**, is the Accused in *Nanyuki CM Criminal Case No 1413 of 2018* where he is facing seven (7) counts of **robbery with violence** contrary to **section 296(2)** of the *Penal Code*. He has stated that already nine (9) prosecution witnesses have testified, and that a similar number remain to testify. He has applied herein for him to be supplied with a defence counsel at that trial at public expense. The Republic has no objection. A similar application before the trial court was refused.

2. A single count of robbery with violence contrary to section 296(2) of the Penal code would be a serious enough case for any accused person to want the assistance of a defence counsel, let alone a case with seven (7) such counts! At any rate, by dint of **Article 50(2) (h)** of the *Constitution of Kenya, 2010* an accused person is entitled to a defence counsel at public expense where he cannot afford one himself. There is no suggestion from the court below that the Applicant herein can afford to hire counsel himself.

3. I therefore have no hesitation at all in allowing the Applicant's application. The *Deputy Registrar* is hereby directed to assign a defence counsel to the Applicant for his on-going trial in *Nanyuki CM Criminal Case No 1413 of 2018*. Once that is done, the temporary stay of those proceedings given by this court herein on 22/03/2021 shall stand vacated to enable the trial to proceed to its logical conclusion. It is so ordered.

DATED AND SIGNED AT NANYUKI THIS 14TH DAY OF APRIL 2021

H P G WAWERU

JUDGE

DELIVERED AT NANYUKI THIS 15TH DAY OF APRIL 2021