

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KAKAMEGA

CRIMINAL REVISION NO. E048 OF 2021

DIRECTOR OF PUBLIC PROSECUTIONSAPPLICANT

VERSUS

GERISHON LUJITIO MAJANJARESPONDENT

RULING

1. These proceedings were sparked off by a letter that I received from the Office of Director of Public Prosecutions, dated 5th July 2021, with respect to proceedings that had been conducted in Kakamega CMTRC No. 208 of 2021.

2. The issues raised touch on furnishing the accused with witness statements. That was not done before plea was taken, or on the date plea was taken, and a mention date had been given for that purpose. Come that day, witness statements were not made available to the accused, whereupon the State sought to withdraw the prosecution under section 87(a) of the Criminal Procedure Code, Cap 75, Laws of Kenya. That was rejected by the court, which dismissed the charges under section 202 of criminal procedure code instead. It is argued that the trial court made an error in that regard.

3. I have perused the record. Before I make final orders, I would like to hear representations from the parties. For that purpose, I hereby direct that the matter be mentioned on 6th December 2021, before the Judge who shall be handling criminal matters on that date, for further directions. The parties should have filed their respective skeletal submissions by then.

DELIVERED, DATED AND SIGNED IN OPEN COURT AT KAKAMEGA THIS 29th DAY OF October 2021

W MUSYOKA

JUDGE