

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KAKAMEGA

CRIMINAL REVISION NO. E047 OF 2021

UMMI NECHESA WANGA APPLICANT

VERSUS

DIRECTOR OF PUBLIC PROSECUTIONS.....1ST RESPONDENT

MELISA NECHESA OSANYA

alias UMMI NECHESA WANGA.....2ND RESPONDENT

RULING

1. These proceedings were sparked off by a letter that I received from Omwando Mbaka & Co. Advocates, dated 14th July 2021, with respect to proceedings that had been conducted in Kakamega CMCRC No. E1158 of 2021.
2. The issues raised touch on the manner in which the trial court handled the prosecution counsel and the Advocate watching brief for the complainant. There are also complaints about the bond terms imposed by the court, and unsuitability of the dates given for hearing. There are also concerns about witness protection.
3. The claims made against the court are not founded on any affidavit, but a letter. They are not allegations on oath. Of course, the record of the trial court has no minute of whatever is alleged, for the court recorded the plea, placed the accused on bond and allocated a date for hearing. I cannot, therefore, determine the matter, one way or the other, without first of all hearing from the parties on the issues. There may also be need for filing of affidavits to have the alleged facts properly placed on record.
4. The matter shall accordingly be set down for mention, with a view to have directions given on disposal. Mention shall be on 29th November 2020, before the Judge, who shall be handling the criminal cause list for that day.

DELIVERED, DATED AND SIGNED IN OPEN COURT AT KAKAMEGA THIS 29TH DAY OF OCTOBER 2021

W MUSYOKA

JUDGE