



**REPUBLIC OF KENYA**

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

**HIGH COURT CRIMINAL CASE 50 OF 2012**

**REPUBLIC.....APPLICANT**

**VERSUS**

**DANCAN LIVINGSTONE KIMANTHI.....1<sup>ST</sup> ACCUSED**

**WINNIE WANJIKU.....2<sup>ND</sup> ACCUSED**

**DIRECTIONS**

1. Pursuant to the perusal of the record herein, I note that, the matter herein was brought to Court on 10<sup>th</sup> July 2012. So far, a total of twelve (12) witnesses have been heard between 26<sup>th</sup> May 2014, to 28<sup>th</sup> October 2015. On 1<sup>st</sup> March 2017, the 2<sup>nd</sup> accused was reported absent. A warrant of arrest was then issued against her. To date, she has not been arrested despite several extensions thereof, and notice to show cause to the surety on 29<sup>th</sup> July 2019, the Counsel for the 1<sup>st</sup> accused sought that, the case against the 2<sup>nd</sup> accused be withdrawn and that against the 1<sup>st</sup> accused proceeds. On the 15<sup>th</sup> October 2019, the 2<sup>nd</sup> accused's surety sought for time the avail the 2<sup>nd</sup> accused but has not returned to court.

2. This matter is part-heard before Hon. Lady Justice R Koirir. There is need to establish whether the 2<sup>nd</sup> accused has been traced or not, to enable final orders be issued on the continuity of the matter. The Court ordered for DCIO Kasarani to be summoned to Court but summons were not served. Hon. Deputy Registrar has to ensure Court orders are executed. Failure to do so amounts to contempt. There should be confirmation of service of summons and the availability of the DCIO forthwith.

It is so directed.

**DATED, DELIVERED VIRTUALLY AND SIGNED ON THIS 17TH DAY OF DECEMBER 2021.**

**GRACE L. NZIOKA**

**JUDGE**

17<sup>th</sup> December 2021

In the presence of:

Ms Ogwen for the State

Mr Kangathi for the 1<sup>st</sup> accused

1<sup>st</sup> accused present

2<sup>nd</sup> accused – absent

Edwin Ombun – Court Assistant