

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

ANTI CORRUPTION AND ECONOMIC CRIMES DIVISION

ACEC MIS. NO 46 OF 2019

MUKURIA NGAMAU

QORANDUM LIMITED.....APPLICANTS

VS

THE REPUBLIC.....RESPONDENT

RULING

I had on 26th November 2019 directed the parties hereto to appear before me today for directions. Upon further consideration, I do not deem such appearance necessary. The application is one that seeks revision of orders of the trial court under sections 362, 364 and 367 of the Criminal Procedure Code.

Under these provisions, the powers of the High Court on revision are exercised where a party seeks to challenge the correctness, legality or propriety of a finding or order of the lower court or the regularity of the proceedings before it.

In the present application, the applicant seeks to challenge the admission of a particular exhibit, MF1.44, into evidence.

In my view, that is not a proper subject for the exercise of powers of revision of this court. It would amount to micro management of the trial and would fetter the discretion of the trial court.

I accordingly decline to call for or examine the record of the trial court, and the application dated 25th November 2019 is hereby dismissed. The trial shall proceed on 4th December 2019 as scheduled.

Dated and signed at Nairobi this 28th day of November 2019.

MUMBI NGUGI

JUDGE