



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIVASHA

CRIMINAL CASE (MURDER) NO. 5 OF 2016

(Formerly Kericho HC.CR.C. No. 4 of 2016)

REPUBLIC.....PROSECUTOR

-VERSUS-

ERIC MAKAU MUSILA.....ACCUSED

DIRECTIONS BY THE COURT

1. I have read through the material canvassed by the Victim's family, the prosecution and the defence in connection with the Victim's application filed on 12th May, 2017. I have also reviewed the circumstances recorded herein concerning the transfer of this case from the High Court at Kericho to this court.

2. I find it prudent before ruling on the Victim's application to obtain further and relevant information concerning the following matters:

a) the nature of the charges and the status of Kericho High Court Criminal Case No. 23 of 2012 wherein the Accused was charged.

b) the nature of charges facing the Accused in Kisumu High Court Criminal Case No. 32 of 2016 and the status thereof.

Information relating to a & b above, including any bail terms therein is to be presented by way of an affidavit sworn by the Investigating Officer in this case.

c) a report on the present circumstances and welfare of the children of the deceased who in my view are the most immediate victims of the alleged crime in this case.

3. The report on (c) above is to be prepared by the Children's Officer Naivasha Sub-County in conjunction with the Children Office Kericho.

4. The foregoing information is to be filed into court within the next two weeks and any party wishing to make comments or observations thereon will be at liberty to do so on 14th July, 2017 when this matter will be mentioned for these purposes.

Delivered and signed at Naivasha, this 30th day of June, 2017.

In the presence of:-

Miss Kavindu for the DPP

Miss Kithinji holding brief for Viola for the Victim's family

Miss Wanuma holding brief for Mr. Simiyu for the Accused

Accused - present

C/C - Barasa

C. MEOLI

JUDGE