



**REPUBLIC OF KENYA**

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

**MISC. CRIMINAL APPLICATION NO. 10 OF 2017**

**SIMON WANJALA WANYONYI .....APPLICANT**

**VERSUS**

**REPUBLIC .....RESPONDENT**

**RULING**

1. By his motion dated 17<sup>th</sup> October 2016 the applicant prays that file No. 100 of 2015 be transferred from court No. 2 in the lower court to any other court. His argument basically is that he wants the same transferred as he was unable to prosecute the same due to the death of his grandfather and sister respectively.
2. The state has opposed the same arguing that it had no basis at all but simply delaying the finalisation of the same.
3. I have perused the proceedings in file No. 100 of 2015 and the same has substantially proceeded. I do not find any basis why the applicant wants the file to be transferred to another court. He has not raised any issues concerning the court or the prosecution on how the matter is being conducted.
4. I agree with the learned state counsel that the same is simply a delaying tactic. The application is dismissed. Let the trial court proceed expeditiously noting that the delay caused by this application has been inordinate.

**Delivered this 27<sup>th</sup> day of July, 2017.**

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**H.K. CHEMITEI**

**JUDGE**

**In the presence of:**

**Kakoi for the respondent present**

**Applicant – present**

**Kirong/Silvia – Court Assistants**

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**H.K. CHEMITEI**

**JUDGE**

**27/7/2017**