

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL DIVISION

CRIMINAL REVISION NO.174 OF 2016

REPUBLIC..... APPLICANT

VERSUS

JUMA MATO.....RESPONDENT

RULING

The Order issued on 9th September 2016 by the trial court in **Nairobi Children’s Court Criminal No.163 of 2014 Republic –Vs- Juma Mato** is set aside as it was unprocedural. The victim’s application is hereby struck out as it was filed in abuse of the due process of the court. The court should proceed to hear the accused’s defence as earlier ordered by *viva voce* evidence as provided by the law. The accused is at liberty to call any witnesses including the mother of the victim and the counsellor. The order of the court staying the proceedings of the trial court is set aside.

Mention on 7th October 2016 before the trial court for further orders. The victim can only intervene during the victim impact statement stage if the accused is convicted. Otherwise the victim has a right to be represented in the case. It is so ordered.

DATED AT NAIROBI THIS 27TH DAY OF SEPTEMBER 2016

L. KIMARU

JUDGE