



**REPUBLIC OF KENYA**

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

**CRIMINAL MISC. APPLICATION NO. 12 OF 2012**

**IN THE MATTER OF KILUNGU PRINCIPAL MAGISTRATE’S COURT CRIMINAL CASE NO. 154 OF 2011; REPUBLIC –VS- PATRICK NJOROGE & KENNEDY GITAU**

**AND**

**IN THE MATTER OF THE CRIMINAL PROCEDURE CODE**

**AND**

**IN THE MATTER OF THE CONSTITUTION OF KENYA**

**BETWEEN**

**PATRICK NJOROGE ..... APPLICANT**

**AND**

**KENNEDY GITAU**

**THE DIRECTOR OF PUBLIC PROSECUTIONS ..... RESPONDENTS**

**R U L I N G**

1. The application dated 16/2/12 seeks orders that:-
  1. **“That this application be certified urgent and be heard *ex parte* in the first instance.**
2. **That this Honourable court be pleased to review the ruling of the court delivered on 10/2/2012 in which the subordinate court locked the accused persons from getting representation from Advocates of their own choice.**
3. **That this Honourable Court be pleased to order that PMCR No. 154 of 2011; Patrick Njoroge & Kennedy Gitau be transferred from Kilungu Law Court to any other court of competent jurisdiction under this Honourable court”.**
2. Orders were issued on 21/3/12 in respect of prayer No. 1 – 3 and the said prayers are now spent.
3. On prayer No. 4 which seeks the transfer of the case from **Kilungu Law Courts**, the same has been overtaken by events. The trial magistrate who is the subject of the application has since moved on transfer.
4. The file is therefore returned to its mother station for hearing and determination.

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**B. THURANIRA JADEN**

**JUDGE**

Dated and delivered at Machakos this **26<sup>th</sup>** day of **November** 2014.

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**B. THURANIRA JADEN**

**JUDGE**