



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NYERI**  
**CRIMINAL REVISION CASE NO. 74 OF 2013**

**REPUBLIC.....APPLICANT**

**versus**

**SGT WYCLIFF KWENDO.....RESPONDENT**

**REVISION**

1. This matter has been referred to this court for revision by the trial court under the section 363(1) and 364(b) of the Criminal Procedure Code on the basis that she made the orders on Misc. 37 of 2013 in the absence of the suspect and the complainant in violation of the principles of natural justice.

2. I agree with the trial court that the order was made in error I therefore reverse the said order issued on 12th July 2013 and substitute the same with an order requiring both the complainant and the suspect to appear before the said magistrate for the hearing of the application by the prosecution for the discharge of the suspect herein on 2nd August 2013.

3. Dated at Nyeri this 24th day of July 2013.

J. WAKIAGA

JUDGE