



**REPUBLIC OF KENYA**

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

**MISC. APPLICATION (CRIMINAL) NO. 19 OF 2013**

**(CR. CASE NO.452/2012 - SIAKAGO)**

TITUS NDEGWA.. .....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

**DIRECTIONS**

The Notice of Motion (undated) is placed before me. The applicant is seeking the following orders.

1. *The trial Court to grant him a chance to recall the prosecution OB's of 2nd August 2012 to reflect these cases No. 570/12 and 452/12.*
2. *The trial Magistrate to order the prosecution to issue him with different investigation diaries of case No. 570/12 and 452/12 of 2nd August 2012.*
3. *The trial Magistrate to re-order that he be supplied with prosecution court order with the information that he was placed in cells on 2nd August for pending investigation.*
4. *The trial Magistrate to re-order that he be supplied with the prosecution court order to show the case why he was charged on 7th August 2012.*
5. *The trial Magistrate to supply him with typed questions that he asked the witness during the court proceedings.*
6. *The honourable High Court registrar to consider his application and grant him a chance of admitting his evidence to be heard in the High Court chamber as per the direction from the trial Magistrate.*

The application is in relation the Criminal Case No. 452/12. What the applicant is asking this court to do is to actually get into the arena of the matter before the lower Court and start giving it directions. This is unprocedural and would amount to intimidation of Judicial officers.

The learned trial Magistrate knows the law and should apply it judiciously. It is not good practice for accused persons to rush to the High Court each time a magistrate makes an order. This causes delays and unnecessary tension in the Court. I therefore decline to issue any of the above orders. This will allow the learned trial Magistrate conclude the hearing as soon as possible. If the applicant is not satisfied with the outcome he is at liberty to exercise his right of appeal.

The learned trial magistrate to get a copy of this Ruling.

**H.I. ONG'UDI**

**JUDGE**

**27/09/2013**