

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

CRIMINAL MISC. APPL. 11 OF 2013

HENRY KIMUTAI NGENO.....1ST APPLICANT

ROBERT KIPNGETICH LANGAT.....2ND APPLICANT

-VS-

REPUBLIC.....RESPONDENT

RULING

The file relating to **Kericho C.M.C.Cr.C.no. 1192 of 2012, Republic -VS- Henry Kimutai Ngeno alias Morio and Robert Kipngetich Langat** was placed before this court for perusal and further orders. I have keenly looked at the file and it is apparent that the accused persons were arraigned before the Chief Magistrate Court, Kericho on 18th July 2012 where upon they pleaded not guilty to the charge of manslaughter.

On 29th August 2013, the court prosecutor applied to trial court to have this case transferred to Sotik Principal Magistrate's court for hearing and determination. Hon. Kaberia, learned Ag. Senior Principal Magistrate heard the application and thereafter directed the file to be placed before this court to determine the issue. In my view this court may, where it is shown that it will be to the general convenience of the parties or witnesses, transfer the case from one subordinate court to another for hearing and determination.

In the case before this court, it is obvious that the offence was committed in Boito Market in Konoin District. The case was investigated by Litein Police Station. The nearest court to hear the case is Sotik Principal Magistrate's court. Pursuant to the provision of **81(1)(d)** as read with **Section 81(1)(e)(ii)** of the **Criminal Procedure Code** I hereby withdraw **Kericho C.M.C.Cr.C No. 1192 of 2012** from the Chief Magistrate's Court, Kericho and transfer it to Sotik Principal Magistrate's Court for hearing and determination. It should be noted that pursuant to the **First Schedule** of the **Criminal Procedure Code**, the case can be heard by any magistrate holding the rank of Senior Resident Magistrate upwards. The case be mentioned before the Sotik Principal Magistrate's court on 30th September 2013 for further orders and directions on the hearing.

Dated and delivered this 23rd day of September 2013

J.K.SERGON

JUDGE