



**REPUBLIC OF KENYA**

**IN THE HIGH COURT**

**AT ELDORET**

**REVISION CASE 1 OF 2012**

**JOHN KIBETBET MAIYO.....ACCUSED**

**-VS-**

**REPUBLIC.....PROSECUTION**

**RULING:**

This matter was placed before me for revision on the 7<sup>th</sup> May, 2012.

The matter had been heard by the Honourable B. N. Mosiria Principal Magistrate, Iten who then ruled that the accused person had a case to answer. She thereafter ceased to exercise jurisdiction over the matter and it was taken over by her successor the Honourable M. C Chepseba Senior Principal Magistrate, Iten.

The said trial magistrate forwarded this matter for revision for further directions because the Principal Magistrate had made a ruling that she was not in agreement with. The ruling of her predecessor related to placing the accused person on his defence.

I have perused the record of the proceedings and I am of the opinion that instead of this Honourable Court revising the ruling made by the Honourable. B.N Mosiria on the 29.9.2011 her successor, the Senior Principal Magistrate should act on the evidence recorded by her predecessor and complete the hearing and deliver judgment. In her judgment she can air her findings and give the prosecutors timely advice on the procedure to adopt when the evidence on record is at variance with the charge sheet.

The court finds that the hearing and finalization of the case to its logical conclusion will in no way cause any injustice or hardship or materially prejudice the accused person.

For those reasons I find no need to make an order for revision and order that the case should proceed to full hearing and determination from where it was left.

Dated and delivered at Eldoret this 8<sup>th</sup> day of May 2012.

**A.MSHILA  
JUDGE**