

REPUBLIC OF KENYA

High Court at Mombasa

Criminal Miscellaneous Application 129 of 2012

WELLINGTON SENERWA KALO APPLICANT

=VERSUS=

THE ATTORNEY GENERAL RESPONDENT

RULING

Before court is the application of **WELLINGTON SENERWA KALO** who is the accused in Hola Criminal Case No. 24 of 2012. The Applicant seeks to have his case transferred for hearing in another court due to his perception of bias against him by the trial magistrate. I have considered the contents of the supporting affidavit. While it may well be that no actual bias exists and it is quite possible that the trial magistrate has no personal interest in the case, where there exists even the mere **perception** of unfairness then in the interests of justice action must be taken. There being no objection from the State I do hereby direct that Criminal Case No. 24 of 2012 be and is hereby transferred from Hola Law Courts to the Garsen Law Courts for hearing and determination.

Dated and Delivered in Mombasa this 31st day of October 2012.

M. ODERO

JUDGE