



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAKURU**

**CRIMINAL REVISION CASE NO. 13 OF 2011**

**ELIUD MUNGAI MURIRA.....1<sup>ST</sup> APPLICANT**  
**SARAH WANJIKU MUNGAI.....2<sup>ND</sup> APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**REVISION ORDER**

This file was placed before me by the Senior Principal State Counsel, **Mr. Omutelema** for the purposes of revising the order made by Hon. Korir, Senior Principal Magistrate, Nakuru in Criminal Case No. 1030 of 2011. Mr. Omutelema, urged that the Magistrate made an order to release the vehicle registration No. KBK 642 P when it was not in this court's custody. I have read Mr. Korir's ruling on that date. The Prosecutor applied for an adjournment. It was opposed by the accused's counsel, Mr. Munene. On that date, there was no application for release of the subject vehicle. However, Mr. Korir went ahead and made an order for the release of the vehicle **KBK 642 P**, Mitsubishi FH without any application having been made. Earlier on 23rd March 2011, the same court had rejected an application to have the vehicle released. Since the subject vehicle was not in the custody of the court, it was irregular for the court to make such an order and by virtue of **Sections 362 and 364 of Criminal Procedure Code**, I hereby revise and set aside the said order of 14th April 2011. It is so ordered.

**DATED and DELIVERED this 25<sup>th</sup> day of May, 2011.**

**R. P. V. WENDOH**  
**JUDGE**