

REPUBLIC OF KENYA

HIGH COURT AT EMBU

MISCELLANEOUS CRIMINAL APPLICATION 27 OF 2011

**CYRUS NJERU IRERI.....
.....APPLICANT**

VERSUS

**REPUBLIC.....
RESPONDENT**

R U L I N G

This matter has been brought by the Applicant under Section 362 and 364(1)(b) of the Criminal Procedure Code for an order staying proceedings in Criminal Case No. 1079/2010 Chief Magistrate's court Embu, pending the hearing and determination of HCCC No. 4/2009 (Embu) involving the same parties over the same matter.

In the supporting affidavit the Applicant says restraining orders were issued vide Embu HCCC No. 4/2009 which orders have been breached by the Defendant (Njeru S. Kathuri).

The provisions of Section 362 and 364 deal with Revisions in criminal matters pending before the subordinate courts. It is not clear which orders the Applicant wishes this court to visit. And if there are any orders which have been breached then the breach should be addressed accordingly before the issuing court. Otherwise there is basis no for this court's interference with Criminal Case No. 1079/10 (CM' court Embu) as per this application.

I dismiss the application.

DATED, SIGNED AND DELIVERED AT EMBU THIS 27th DAY OF OCTOBER 2011.

**H.I. ONG'UDI
JUDGE**