



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NAKURU**

**Criminal Revision 343 of 2010**

**PATRICK LESHORE.....APPLICANT**

**VERSUS**

**MOSES KARANJA MACHAIRA.....1<sup>ST</sup> RESPONDENT**

**JENIFFER MALITO LEKISAAT.....2<sup>ND</sup> RESPONDENT**

**NYAWEKA MUCHEKA.....3<sup>RD</sup> RESPONDENT**

**RULING**

Applicant was the complainant in Criminal Case No. 258 of 2006 at the Senior Resident Magistrate's court at Maralal in which the respondents were charged with conspiracy to murder contrary to **Section 393** of the **Penal Code**. After hearing the case the trial court found that the respondents had no case to answer and acquitted them under **Section 210** of the **Criminal Procedure Code**.

The state applied in High Court Misc. Appl. Nos. 96, 97 and 98 of 2009 for leave to appeal out of time. The application was seriously contested. I dismissed it after hearing it inter-partes.

The applicant has now applied for the revision of my order under **Section 364** of the **Criminal Procedure Code**.

Having dismissed the applications for leave to appeal out of time I have no powers under **Section 364** of the **Criminal Procedure Code** or any other law to revise my order of dismissal. In the circumstances, much as I understand the applicant's complaint and sympathise with him, I have no choice but to dismiss this application which I hereby do.

**DATED and DELIVERED this 28<sup>th</sup> day of July, 2010.**

**D. K. MARAGA**

**JUDGE.**