



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT MERU**

**Miscellaneous Criminal Case 33 of 2010**

**KIBAARA NJERU ..... APPLICANT**

**VERSUS**

**REPUBLIC ..... RESPONDENT**

**RULING**

The applicant Kibaara Njeru has filed before this court a Notice of Motion dated 27<sup>th</sup> September 2010. That application is brought under sections 78, 79, 80 and 81 of the Criminal Procedure Code. By that application, the applicant seeks to have Criminal Case No. 858 of 2010 pending before Kibira Magistrate Court in Nairobi. When the matter came up before me on 4<sup>th</sup> October 2010, I requested counsels to address me on whether the application can be entertained by this court. Mr. Muriuki, the learned counsel for the applicant argued that the High Court at Meru had jurisdiction to order the transfer of the criminal court pending before Kibira Court. The learned state counsel Mr. Kimathi was of a contrary view and argued that the application should be heard in Nairobi. The Hon. The Chief Justice by gazette Notice number 1756 of 27<sup>th</sup> February 2009 gazetted the practice directions relating to the filing of suits, applications and references in the appropriate courts. The Hon. The Chief Justice by that gazette notice indicated the supervisory rule of the High Courts to the various magistrates' court. Looking at that gazette notice, Nairobi Province has the supervisory power over Kibira Magistrate Court in Nairobi. It therefore follows that the applicant should have filed his application before High Court Nairobi which court has the supervisory power over Kibira Magistrate Court. For that reason, I order that this file be transferred to the Criminal Division in High court of Nairobi for disposal.

Dated and delivered at Meru this 8<sup>th</sup> day of October 2010.

**MARY KASANGO**  
**JUDGE**