



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT KAKAMEGA**

**Miscellaneous Criminal Application 67 of 2008**

**CLEOPHAS JUMA.....APPLICANT**

**VERSUS**

**REPUBLIC .....RESPONDENT**

**RULING**

In his application filed on 22<sup>nd</sup> October, 2008, the Applicant seeks orders that the violation of his fundamental Constitutional rights to liberty be determined. The application is brought under Section 72 (3) (b) of the Constitution.

The Applicant states that he was detained in Police custody for over a fortnight before he was charged in court. He is seeking production of the Occurrence Book of Mumias Police Station dated 9<sup>th</sup>/10<sup>th</sup> November, 2006 to shed light and clear doubt on the report made and items found.

Both the application and the supporting affidavit do not indicate when the applicant was arrested and when he was arraigned before the court. It is therefore not possible for this court to determine whether the applicant's Constitutional rights were violated. This application is dismissed. The Mumias Criminal Case No. 228/2006 shall proceed to hearing.

*Delivered, dated and signed at Kakamega this 23<sup>rd</sup> day of September, 2009.*

**SAID J. CHITEMBWE**

**J U D G E**