



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KAKAMEGA

Miscellaneous Criminal Application 68 of 2008

WILFRED GOR JOHN.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

In his application filed on 22nd 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 kept in Police custody for over a fortnight contrary to the law. The application does not indicate when the applicant was arrested and when he was arraigned before the court. This makes it impossible for this court to determine whether the applicant's Constitutional rights were indeed violated. There is no affidavit in support of the application.

I find no merit in the application and the same is dismissed. The Mumias Criminal Case No. 250/2007 should proceed for hearing forthwith.

Delivered, dated and signed at Kakamega this 23rd day of September, 2009.

**SAID J. CHITEMBWE
J U D G E**