

REPUBLICPROSECUTOR

VERSUS

CHRISPIN OUMA OWINO

BENCHARD DENDECHE

ABUU AHMED MOHAMED.....ACCUSED

SRMC CRIMINAL CASE NO. 324 OF 2005

REVISION

Pursuant to powers bestowed upon me by section 362 of the Criminal Procedure Code, I called for and examined the records pertaining to this case for purposes of satisfying myself of the regularity of the proceedings herein.

Having done so, it is my finding that the Mr. C. O. Obulutsa SRM proceeded to hear this case from 14th January to 18th January 2008 while he is on transfer to Moyale, without the consent of the Chief Justice or the Registrar of the High Court and without jurisdiction.

Accordingly, it is my finding that the proceedings herein are irregular. Consequently, I order that the proceedings from 14th January 2008 – 18th January 2008 be expunged from the records. I further order that this file be transferred to Malindi Law Courts for fresh hearing before the Senior Resident Magistrate, Malindi or any other magistrate of competent jurisdiction at the aforesaid station.

By way of the directions, I order that this long standing matter should be heard on a priority basis.

DATED and DELIVERED at Malindi this 23rd day of JANUARY 2008.

N. R. O. Ombija

JUDGE