



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAKURU**

**Criminal Case 82 of 2008**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**DEIZE CHELANGAT KIRUI.....ACCUSED**

**RULING**

The Provincial Psychiatrist's report dated 11<sup>th</sup> September 2008 following the prosecution request to examine the accused as to whether or not she is mentally fit to stand trial for the offence of murder, is inconclusive. The Psychiatrist says that the Accused's intelligence is quite low but she is not dumb or deaf and can understand and follow simple instructions. He would like to interview a close relative who would provide more information about her before he can make an appropriate psychiatric diagnosis on her. In the circumstances I cannot accede to the state counsel's plea that the court proceeds with the hearing under Section 167(b) of the Criminal Procedure Code or that of the defence counsel that the accused should be held at the pleasure of the President under Section 162 of the Criminal Procedure Code. Instead I direct the police to contact a close relative of the Accused to go to the Provincial Psychiatrist for interview as he requires. Mention on 31<sup>st</sup> October 2008.

DATED and delivered at Nakuru this 26<sup>th</sup> day of September 2008.

**D. K. MARAGA**

**JUDGE**