

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA
AT NAKURU

Criminal Revision 52 of 2007

REPUBLIC PROSECUTOR

VERSUS

DAVID KAMAU SHIVEDI ACCUSED

JUDGMENT ON REVISION

I refer to a letter dated 15th May, 2007 by the Assistant Deputy Prosecutor Mr. P.M. Gumo. He has requested for the exercise of this court's powers under Sections 362 and 364 of the C.P.C. in regard to an order made by Hon. J. Thuita (PM) on 20th April, 2007 whereby the court acquitted the accused person in Criminal Case No.1694 of 2006.

In view of the order of acquittal which this court cannot substitute under the provisions of Section **364 of the CPC**, I hereby direct that the prosecution may consider an appeal and not a revision.

M. KOOME

JUDGE

16/5/2007