



**REPUBLIC OF KENYA  
IN THE HIGH COURT OF KENYA  
AT NAIROBI (NAIROBI LAW COURTS)**

**Criminal Revision 7 of 2006**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**PETER MUSYOKI MWINSA**

**JULIUS MUNYOKA MUSYOKA ALIAS.....MUNYOKI MBULI.....ACCUSED**

I have examined the proceedings in the above quoted files including the ruling by the Senior Resident Magistrate dated 30/9/2005. The Principles that the Honourable Magistrate applies to come to the decision in the ruling are not to be seriously faulted. However the accused have categorically asserted that they do not think they will receive Justice in the said court. They mentioned sound reasons although they have not given evidence to support those reasons. In my view they do not have to prove the reasons. It is enough to prove the reasons. It is enough if what they allege might be true.

For example if they now be forced to be tried by the said court, it will not be seen to be fair. But this practice of accused

deciding to wish cases transferred when there has been advanced hearing and without clear reasons, will not in future be accepted.

For the above reasons the cases should be transferred to be heard and be determined by another magistrate with jurisdiction.

ORDER

Mwingi SRM Cr. Case No. 463 of 2006, 308 for 2006 are hereby transferred to Machakos for hearing and final determination.

D.A. Onyancha

JUDGE

4/4/06