



**REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MACHAKOS**

Criminal Revision 204 of 2006

RHODA RAYMOND

ANTONY MUNYASYA MBELE APPLICANTS

VERSUS

REPUBLIC RESPONDENT

R U L I N G

The applicant Anthony Munyasya Mbele, has written several letters to this court seeking orders to transfer his four criminal cases to Nairobi Law Courts for trial. He claims that he is being persecuted by court officials. He even accuses court magistrates hearing the cases of using funny tricks which have led to the delay in the hearing of the cases which include Kitui Criminal Cases No. 242, 1269, 1450 and 1137 all of 2005.

The records further confirm that the applicant became so unco-operative that trials could not proceed smoothly. The Senior Resident Magistrate had as a result, to seek that the files be forwarded to this court for an order of transfer.

I have carefully perused the records and documents in the file. I am not sure and clear in my mind why the cases should be transferred for trials elsewhere.

In my view, the accused persons should not be allowed to choose where their trials should take place or who should hear them. It is less so where the accused appears to have a motive for wishing to have his case transferred.

In these cases the files have been forwarded here with a strong request from the Senior Resident Magistrate that they be formally transferred. I have accordingly acceded to that request. But in future, only very deserving transfers may be allowed.

Order:

1. Kitui Senior Resident Magistrate's Court Criminal Cases Nos:

- i. 242 of 2005
- ii. 1269 of 2005
- iii. 1450 of 2005
- iv. 1137 of 2005

are each transferred to Machakos Chief Magistrate's court for hearing and final determination.

2. The cases to be spread among magistrates.

3. Mention on 30/10/2006 for directions before the Chief Magistrate, Machakos.

D.A. ONYANCHA

JUDGE

23/10/06