

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA

AT MACHAKOS

Criminal Revision 206 of 2006

BONIFACE MUNYOKI KIMANZI

ANTONY KILONZI NGATI

JOSEPH KIMWELE NGUU

JOHN MUTEMI NZOMO APPLICANTS

VERSUS

REPUBLIC.....RESPONDENT

R U L I N G

I have carefully considered the allegations made by the applicant in Mwingi SRMC Cr. Case No. 1344 of 2004. These allegations are the grounds upon which the applicant seeks a transfer of the case in which three witnesses have already testified. While this court does not believe the allegations, they are of a serious nature and may dent the applicant as the accused and the trial magistrate.

On that ground alone and not because this court believes the applicant, and for the sake of giving a chance for the principle of “justice should be seen to be done”, this court will very reluctantly, transfer the case to another court of competent jurisdiction.

Order:

1. Mwingi SRMC Cr. Case No. 1344 of 2004 is hereby transferred to Machakos Chief Magistrate’s Court for hearing and final determination.
2. Mention of case before Machakos Chief Magistrate for relevant directions on 26/10/06.
3. Copy of this ruling to be served upon the trial magistrate at Mwingi.

D.A. ONYANCHA

JUDGE

19/10/06