

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MACHAKOS
Criminal Revision 207 of 2006

**PETER
MUTIA**

**KYALO
WAMBUA**

**DAVID
MUNEENI**

.....

.....

.....

.

**APPLICA
NTS**

**V
E
R
S
U
S**

**REPUBLI
C**

.....

.....

.....

**RESPOND
ENT**

RULING

I have carefully considered the allegations made by the applicant in Mwingi SRMC Cr. Case No. 746 of 2005. These allegations are the grounds upon which the applicant seeks a transfer of the case in which two 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. 746 of 2005 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