

**REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MACHAKOS
Criminal Revision 208 of 2006**

PIUS MUNYOKI NGUNDA

CYRUS MUATHA KANYALU APPLICANTS

VERSUS

REPUBLIC RESPONDENT

R U L I N G

I have perused the file of Kitui Principal Magistrate's Court Traffic Case No. 707 of 2003. I am satisfied that the consolidation done to join the above case by a Police Constable on 8/1/04 nullified the proceedings that followed as it tainted the same. For said reason, the proceedings in relation to both cases as consolidated should stand nullified.

Order:

1. Proceedings in Kitui Magistrate's Court Traffic Case No. 707 of 2003 as consolidated is hereby declared nullified.
2. A retrial of both cases is hereby ordered before the same court but before a magistrate with competent jurisdiction.

D.A. ONYANCHA

JUDGE

19/10/06