

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA
AT MACHAKOS
Criminal Revision 203 of 2006

WILLY MUTUA.....APPLICANT

versus

REPUBLIC.....RESPONDENT

RULING

The Machakos Chief Magistrate's Criminal Case No. 2905 of 2005 has been drawn to my attention by the Chief Magistrate. It is a robbery with violence case where the accused is a child under 18 years. It should have been placed before a magistrate properly designated by the Chief Justice to hear criminal cases related to children under the Children's Act. Since Chief Magistrate did not have jurisdiction under the said Act, all the proceedings that she conducted to date are a nullity and are so declared.

Orders:

1. The file shall be urgently placed before the designated magistrate for hearing, if possible from day to day until it is completed.
2. File sent to Chief Magistrate for convenient and necessary arrangements.

D.A. ONYANCHA

JUDGE

19/10/06