

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAKURU

CRIMINAL DIVISION

CRIMINAL CASE 134 OF 2003

REPUBLIC.....PROSECUTOR

VERSUS

BENARD KETER NG'ENO.....ACCUSED

RULING

From the record, it is apparent that the plea was taken on 22nd October, 2003 by **Hon. Justice Jessie Lesiit**. Apparently, since then, the 12 months that were envisaged by **Rule 12 (4) of the 5th Schedule of the Children's Act** has already elapsed. The Assistant Deputy Public Prosecutor viz, **Mr.Gumo** has correctly and wisely conceded to the application.

In view of the above, the case is hereby dismissed. The Accused is hereby discharged and shall **not** be liable to any further proceedings for the same offence.

The Subject should be released forthwith unless held lawfully.

Those are the orders of the Court.

MUGA APONDI

JUDGE

21ST JULY, 2005

Ruling written, read, signed and delivered in open Court.

MUGA APONDI

JUDGE

21ST JULY, 2005