

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

CRIMINAL APPLICATION NO. 138 OF 2004

MICHAEL KIPCHIRCHIR CHEBOI

MOSES KIPTOO

CHEBOI.....APPLICANTS

VERSUS

REPUBLIC.....RESPONDENT

RULING

The Applicants, Michael Kipchirchir Cheboi and Moses Kiptoo Cheboi were charged before the Chief Magistrate's Court Nakuru with the offence of robbery with violence contrary to Section 296(1) of the **Penal Code in Nakuru CMC CRC No. 2200 of 2004 Republic –versus- Michael Kipchirchir Cheboi and Moses Kiptoo Cheboi**. They have now made an application before this court seeking the orders of the Court that the Criminal Case facing them be heard and determined at Eldoret. They contend that the alleged offence was committed within the jurisdiction of the Chief Magistrate's Court, Eldoret. I have perused the charge sheet. I have noted that the offence was allegedly committed at Chelelek Village, Koibatek District. According to Gazette Notice No. 7931 of the 8th of October 2004, Kenya Gazette which was issued by the Honourable Chief Justice, all offences committed within Koibatek District are to be heard by the Chief Magistrate's Court Eldoret, under the supervision of the High Court sitting at Eldoret.

In the circumstances of this case I do find that the Applicant's application has merit. Mr Koech, Learned State Counsel did not oppose the application provided that the Court confirmed that the alleged offence was committed within the jurisdiction of the Chief Magistrate's Court sitting at Eldoret. I have perused the file and I am satisfied

that this case ought to be heard and disposed of by the Chief Magistrate, Eldoret. I therefore order **Nakuru CMCRC No. 2200 of 2004** involving the Applicants to be transferred to Eldoret for hearing and disposal by the Chief Magistrate, Eldoret. It is so ordered.

DATED at NAKURU this 3rd day of December, 2004.

L. KIMARU

AG. JUDGE