



**REPULIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT MOMBASA**

**CRIMINAL CASE NO. 37 OF 2001**

**REPUBLIC ..... PROSECUTOR**  
**VERSUS**  
**HUSSEIN FADHILI SAID ..... ACCUSED**  
**R U L I N G**

This case is partly heard before Mr. Justice Lawrence Ouna who has since been transferred to the High Court Nairobi Civil Division. In agreement with Mrs. Mwangi Principal State Counsel and Mr. Gisemba defence counsel, the trial of the accused shall now commence afresh at Malindi High Court.

In further agreement with Mr. Gisemba advocate, an advocate based in Malindi be assigned the conduct of the accused's defence case. In this connection leave is hereby given to Mr. Gisemba to withdraw from representing the accused. He is to return the committal documents to the Deputy Registrar, together with his fee note.

The accused was on 23/7/03 examined by Dr. C.M. Mwangome, Consultant Psychiatrist at the Coast General Hospital who has filed his report dated 30th July 2003. According to this report the accused has now fully recovered mentally and is fit to plead and to stand this criminal trial. The accused is however to continue with medication to prevent any relapse.

I order that this case be, and is hereby transferred to the High Court Malindi and is fixed for mention on the 3rd November 2003 at Malindi. Accused remanded in custody till then.

Assessors be paid their respective allowances and are hereby discharged.

**It is so ordered.**  
**Dated this 17th September 2003.**  
**A.G.A. ETYANG**  
**JUDGE**