

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MOMBASA
CRIMINAL CASE NO.27 OF 2001

REPUBLIC.....PROSECUTOR
=V E R S U S=
ALFRED MAVASI CHUPHI.....ACCUSED

COURT RULING

The court cannot proceed because we have only two assessors available. A third assessor has never been selected. The second assessor was selected this morning. A third assessor could not be selected because potential people to select from did not turn up. I note that only two potential people were summoned to attend. From these two, we were to select two assessors. If one failed to turn up as happened herein this morning or if both attended and one was found unqualified to be an assessor, this court would end up where we are now i.e. unable to proceed because we are lacking assessors.

This court summoned the Officer in the Registry in-charge of the issue of selection of assessors. The answer he gave was that he is unable to enlist a sufficient number of persons from whom to select. He appeared totally incapacitated. He did not even give us hope.

It is this court's view that this is a serious matter. In this case in particular, there are 8 witnesses present to give evidence and yet we cannot be able to proceed due to lack of assessors. I suggest that this matter should be given adequate attention. I suggest also that a more resourceful officer should be placed in-charge of this matter at the Registry. Otherwise the court will again and again find itself in this kind of position in future. This should not be allowed to continue.

ORDER

These comments to be placed before the Chief Deputy Registrar of this court for her immediate attention and possible action.

Dated at Mombasa this 6th day of March, 2002.
D.A. ONYANCHA
J U D G E