



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT MOMBASA**

**MISCELLANEOUS CRIMINAL APPLICATION NO.65 OF 2002**

**IN THE MATTER OF: AN APPLICATION BY ERICK ANDIKA ON BEHALF  
OF FAIZA MOHAMED SWALEH**

**A N D**

**IN THE MATTER OF: CRIMINAL PROCEDURE (DIRECTIONS IN THE  
NATURE OF HABEAS CORPUS) RULES**

**A N D**

**IN THE MATTER OF: AN APPLICATION FOR AN ORDER OF HABEAS  
CORPUS AND SUBJICIENDUM**

**BETWEEN**

**ERICK ANDIKA.....APPLICANT  
=V E R S U S=  
PRINCIPAL IMMIGRATION OFFICER.....1ST RESPONDENT  
ATTORNEY-GENERAL.....2ND RESPONDENT**

**4.15 p.m.**

**Coram: Before Onyancha, J.  
Mr. Kiume Kioko - for Applicant  
Miss Mwaniki – for Respondent  
Sango – Court Clerk  
Mr. Kioko**

The body of Faiza Mohamed Swaleh has not been produced as she is in Pandya Hospital for medical treatment. I am prepared to have this court make an order varying the earlier so that the body of the said Faiza may be produced before the court of law tomorrow at 9 a.m. The court shall be the court of the Chief Magistrate or as she may direct. Until then I pray that she be ordered to stay where she is.

**Mwaniki  
Be it so.  
D.A. ONYANCHA  
J U D G E**

**ORDER**

1. The body of Faiza Mohamed Swaleh be produced in Mombasa Chief Magistrate’s Court or as she may direct on 19.7.2002 at 9 a.m.

2. Until then, the said Faiza Mohamed Swaleh to stay at Pandya Hospital until she is produced as hereinabove ordered.

3. Costs in the cause.

**Dated at Mombasa this 18th day of July, 2002.**

**D. A. ONYANCHA**

**J U D G E**