



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT MOMBASA**  
**CRIMINAL CASE 27 OF 01**

**REPUBLIC.....PROSECUTOR**

**V E R S U S**

**ALFRED MAVASI CHUPHI.....ACCUSED**

**R U L I N G**

The two Police Officers Inspector Juma Shame and Pc. Malonza failed to attend court on 6.11.2002. This case could not take off because they were involved in the investigations and therefore have control of the prosecution of the case in a large extent. The court then being concerned about the failure of the said officers, adjourned the case and sought an explanation from them by giving them a chance to attend court to-day to explain why they did not attend court. Witness summons were once again issued by this court. It is on record that they were each served at Kwale on 11.11.2002 by VHF message method and that the messages were properly acknowledged. No indication has since been received that they could not attend court to-day for any lawful reasons. No VHF message has been received by the State Counsel through any local Police Station.

The assumption left to be logically made by the court is that the two officers have once again each ignored the summons to attend court. Their failure to attend court on 6.11.2002 resulted to the failure of this case to take off with the result that a lot of money spent to bring other witnesses and assessors went down the drain. This kind of conduct I am aware is now quite common and cases are adjourned often because the Police Officers depended upon to avail witnesses fail. It must be discouraged. ORDER The two Police Officers to be arrested and be produced before this court on 19.11.2002 to Show Cause Why they should not each be punished for disobeying lawful order of this court.

**Dated this 14th day of November, 2002.**

**D. A. ONYANCHA**

**J U D G E**