

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MOMBASA

CRIMINAL APPLICATION CASE NO. 73 OF 2002
(In the Matter of an Intended Appeal)

B E T W E E N

MOHAMED GAYA.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

R U L I N G

Having heard Counsels for the Applicant Mr. Magolo and the State Counsel Mr. Ogoti I rule that there are no compelling reasons for me to order the transfer of the Traffic Case No. 4 of 2002 in the District Magistrate's Court Hola from the District Magistrate's Court Hola to the Chief Magistrate's Court, Mombasa. The case has been fixed for hearing on August 16th 2002. The scene of accident was in that region, the Surety is in Hola and so are some of the Prosecution witnesses. The applicant is a Police officer and the fact that he has now been transferred to Ukunda should not be compelling reasons to have the case against him brought this way. What

if tomorrow he is transferred to Bond or Busia for that matter. Would he then come with an application to transfer the case to a new station? The application is dismissed and the applicant must make the necessary arrangements to travel to Hola for trial.

Dated at Mombasa this.....day of.....2002.

L.P. OUNA

J U D G E