

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA
AT MOMBASA
APPELLATE SIDE
CRIMINAL APPEAL NO.473 OF 1999

**(From Original Conviction and Sentence in Criminal Case No.4075 of 1999
of the Chief Magistrate's Court at Mombasa –L. Achode, Mrs. –S.R.M.)**

MUTHII CHOMBA APPLICANT

VERSUS

REPUBLICRESPONDENT

RULING

Plot No.135 Kerugoya Kutus Municipality is the suit Property and is situated within the immediate area falling within the High Court Nyeri. Indeed Mr. Kiama has informed me that this suit is fixed for hearing before the Resident Judge Nyeri on the 12th June 2001. The Police Officers who are alleged to have arrested the applicant and impounded his documents are based at the CID Offices in Nyeri. Documents sought to be released are said to be kept in these Offices at Nyeri. I agree with Mr Okello State Counsel that this application ought to have been filed and fixed for disposal before the Resident Judge, Nyeri.

I therefore direct that this be typed and certified and ruling be sent to the Resident Judge immediately so that the same be placed before me on the 7th June, 2001 at 9.30 a.m. when this application will be mentioned for further directions. Mr Okello is also asked to get in touch with the Principal State Counsel Nyeri so that he can deal with this application appropriately when it is called out before the Judge on that 12.6.2001. It is so ordered.

A.G.A. ETYANG'

JUDGE

4.6.2001