

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI
CRIMINAL DIVISION
CRIMINAL APPLICATION NO.449 OF 2000

PATRICK NTHIGA MUVUNGU.....APPLICANT
Versus
REPUBLIC.....RESPONDENT

PROCEEDINGS

26-9-2000:

Ileri for Applicant

Miss Shiundu, State Counsel

Ileri:

Refer to the affidavit in support. Pray for the stay of the proceedings in the court below. The hearing there is fixed for to-morrow.

The objection to the copies.

Annexure dated 13-7-2000. The applicant never worked at Nyayo house.

The Magistrate did not consider the objection raised by the applicant. Section 68 & 69 of the Evidence Act not complied with.

Miss Shiundu:

Only served yesterday. I am not ready. I do not have the Magistrate's ruling. I leave it to court.

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RULING

I have considered the grounds canvassed by the Applicant to stay the proceedings in the Magistrate's Criminal Case. It would be totally improper to interfere with the Magistrate's ruling in a matter raised in the application since the trial is pending.

There is nothing to prevent the applicant from challenging any error in the court below after the conviction if any, on appeal against it. The court sitting on such appeal would then decide the ground raised on it either way.

The present application for the stay of the proceedings in the Resident Magistrate's court is dismissed.

V.V. PATEL
JUDGE
26-9-2000