



**Myonga v Republic (Criminal Appeal E012 of 2024)  
[2024] KEHC 15826 (KLR) (16 December 2024) (Directions)**

Neutral citation: [2024] KEHC 15826 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT VOI  
CRIMINAL APPEAL E012 OF 2024  
AN ONGERI, J  
DECEMBER 16, 2024**

**BETWEEN**

**AMON MYONGA ..... APPELLANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**DIRECTIONS**

1. This court delivered a judgment on 22<sup>nd</sup> November 2024 dismissing the Appellant's appeal.
2. The court gave today's mention for purposes of following up on an allegation by the Appellant that he was assaulted by one PC Kipkorir Kirui while in custody at Voi Prison.
3. This court issued summons to PC Kipkorir Kirui to appear before this court today for directions.
4. There is a letter from one Albanus M. Nzuani (SSP) Voi Prisons who is the officer in charge at Voi Prison that there is no officer by the name of Kipkorir Kirui in their establishment.
5. The Appellant has brought it to the attention of this court that he was assaulted while in remand by an officer by the name of Kipkorir Kirui.
6. The prosecution counsel has advised this court to keep off this matter and wait for investigations to be completed and the suspect charged.
7. This court takes great exception to the sentiments of the Prosecutor of this court that this court should wait for investigations to be completed and the suspect charged and that this court can only handle this case if there is an appeal from the Magistrate's Court arising from the said assault charge.
8. This case involves an allegation of violation of Human Rights and it is the duty of every Judicial Officer and Judge to uphold Human Rights.



9. It is not clear how the suspect be charged if he is not even known by the very establishment where he is alleged to be working.
10. All courts, including the High Court, are enjoined by *the Constitution* to uphold the rights of all and to ensure compliance with constitutional values.
11. The Appellant raised his complaint in this court and it is the duty of this court to ensure that his constitutional rights are protected.
12. I refer this case to DCIO for investigations.
13. The court will give a further mention date to ensure that the matter is investigated and appropriate action taken.
14. It has also been brought to this court's attention that there are several allegations of assault and violation of human rights by inmates at Voi Prison and the same should be investigated by the DCIO and appropriate action taken.
15. This case will be mentioned on 23<sup>rd</sup> January 2025 for further directions.

**DATED, SIGNED AND DELIVERED THIS 16<sup>TH</sup> DAY OF DECEMBER 2024 IN OPEN COURT AT VOI.**

**ASENATH ONGERI**

**JUDGE**

In the presence of:-

Court Assistant: Trizah

No appearance for the prosecution

The Applicant – present

