



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**MISCELLANEOUS CRIMINAL APPLICATION NO. E165 OF 2021**

**DAVID SITONIK ..... 1<sup>ST</sup> APPLICANT**

**BENARD KIPROTICH CHERONO ..... 2<sup>ND</sup> APPLICANT**

**VERSUS**

**DIRECTOR OF CRIMINAL INVESTIGATIONS ..... 1<sup>ST</sup> RESPONDENT**

**DIRECTOR OF PUBLIC PROSECUTIONS ..... 2<sup>ND</sup> RESPONDENT**

**RULING**

I have considered this application dated 11.5.2021 ex parte. I have also considered the affidavit in support of the same and the annexure attached. It appears to this court that the pending ruling has not been delivered by reason that the Hon. Magistrate who heard the application is unwell. The said Hon. Magistrate has not been sitting on the dates set for the ruling. The file can also not be traced from the court Registry.

I hold the view that this is purely an administrative matter that can best be solved by a more pro-active involvement of the Chief Magistrate and Head of Station, JKIA Law Courts. There is no doubt that this matter is urgent and that there is need to have the pending ruling delivered without delay since it relates to personal liberty of the applicants. To forestall any perceived delay in delivery of the pending ruling, I order as follows:-

1. THAT the Hon. Chief Magistrate, JKIA Law courts to ensure, through the station administrative channels, that the relevant file (MCCR/E031/2021) is immediately availed in court and the pending ruling read out.
2. THAT in the alternative, in case the trial magistrate (who is indisposed), has not written the ruling yet, the Hon. Chief Magistrate be at liberty to allocate the matter to a different magistrate to immediately determine the applicant's application for bail.
3. THAT the Hon. Deputy Registrar of this court, do serve this order immediately on the Hon. Chief Magistrate, JKIA Law Courts for immediate action.

Orders accordingly.

**D. O. OGEMBO**

**JUDGE**

**12.5.2021.**