

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

CRIMINAL REVISION NO. 74 OF 2020

EO.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

(Being an Application for Revision vide orders made on 9/10/2020 at Siaya Principal Magistrate's Court, delivered by Hon. M. Mwangi, RM IN E009/2020)

RULING

1. The file subject of revision is Siaya PM Misc. Cr. E009 of 2020 between Republic Vs EOO.
2. In that matter, there is no charge sheet or holding charge. The Investigating officer only sought for orders to hold the suspect for more days to enable investigations into the alleged offence to be completed.
3. The trial magistrate then ordered for a mental assessment on the uspect and the report from the Psychiatrist dated 8/10/2020 at Kakamega County Hospital shows that the suspect is unfit to take plea. The court handling the matter was not given the benefit of knowing the exact charge that the suspect was to be arraigned for.
4. I have called for Siaya Cr. Case No. 562/2020 which was opened on 12/10/2020. It has a charge sheet where the suspect EO was charged with the offence of Manslaughter contrary to Section 202 as read with Section 205 of the Penal Code.
5. The trial magistrate was presented with the same Mental Assessment Report dated 8/10/2020 showing that the accused is unfit to take plea and she ordered that he be committed to Mathare Mental Hospital for treatment. The matter shall be mentioned on 31/12/2020.
6. That being the case, and as there was no charge sheet in this matter of E009/2020, I find no reason to make any revision orders as the accused has now been properly charged before court and appropriate orders issued with jurisdiction.
7. I hereby order this file closed.
8. Orders accordingly.

Dated, signed and Delivered at Siaya this 14th day of October 2020

R.E. ABURILI

JUDGE