

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MURANG'A

CORAM: A.K NDUNG'U J

CRIMINAL APPEAL NO. 216 OF 2013

JASSAN NJUGUNA NJOROGHE.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

(Appeal from the original conviction and sentence of Hon. E.N.J Osoro - PM

dated 31st May, 2012 at the Senior Principal Magistrate's Court at Murang'a

in Criminal Case No. 1658 of 2009)

DIRECTIONS OF THE COURT

1. This matter is before me for the purposes of writing a judgement in respect of the appeal by Jassan Njuguna Njoroge (appellant) which appeal this court heard on 7.9.2020.
2. It now emerges from the record that the appeal herein arises from a matter that I personally handled as a Principal Magistrate (as I then was) and indeed had convicted the appellant and another.
3. The current appeal arises from the decision of another magistrate, E.N.J Osoro (PM) who re-heard the matter after a retrial was ordered by the High Court on appeal.
4. In the circumstances therefore, proceeding with this matter further raises questions about my suitability to sit on an appeal in a matter I had decided on.
5. The dictates of justice demand that I recuse myself from this appeal which I hereby do.
6. The matter is referred for mention before the Presiding Judge of the High Court, Murang'a for further directions.

Dated, Signed and delivered at Murang'a this 11th day of November, 2020.

A.K NDUNG'U

JUDGE