

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MERU

CRIMINAL REVIEW NO. 333 OF 2018

REPUBLIC.....APPLICANT

VERSUS

JOHNSON KOBIA M'IMPWI.....APPELLANT

RULING

Partial Ruling

1. I have before me a notice of motion dated 28th September 2018 which is expressed be brought under Article 25(c), 50 (2) (b-h) of the constitution, Section 211 of the CPC and all other enabling legal provisions and international conventions. The applicant seeks the court to revise/review and set aside orders issued on 27th September 2018 rejecting the appellants application to be supplied with critical documents in the custody of the investigations officer to be able to prepare and challenge evidence adduced in the lower court and direct that they are released.

2. The application invokes the supervisory jurisdiction of the court. And at the heart of the application is an order made on 27th September, 2018. However, I note that the order made on 27th September 2018 is not on record. I also note that Mabeya J on 5th November 2018 stated thus;

“... I further note that the order of 27th November 2018 is not before this court. Making any contrary orders may lead to embarrassment of the court as there is no averment on record why that record is not here. It may not be existing.”

3. I find myself in the same dilemma. Nonetheless, I direct the Applicant to file within 14 days a certified copy of the order made on 27th November 2018. Upon filing of the said order, I will consider and determine the revision application herein. .

Dated at Meru this 5th day of October 2019

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F. GIKONYO

JUDGE

Dated and delivered at Meru in open court this 7th day of October 2019

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A. MABEYA

JUDGE