



**REPUBLIC OF KENYA**

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

**CRIMINAL REVISION NO. 1 OF 2017**

**(From original conviction and sentence in Criminal case No. 1790 of 2016 Chief Magistrate's court Kitale.)**

**PETER GITHUA KARIUKI .....APPLICANT**

**VERSUS**

**REPUBLIC .....RESPONDENT**

**REVISION ORDER**

Attention has been drawn to me in respect of the ruling by Honourable Biwott dated 17/2/2017 vide the letter of the Director of Criminal Investigations Trans Nzoia one Samuel Wacuma dated 18/2/2017.

I have perused the said letter together with the proceedings of the court. Without going into the merits of the said letter which touches on the case essentially I note that this matter was due for mention on 15/2/2017 as ordered by the Honourable Chief Magistrate. For reason explained by Honourable Biwott in his ruling of 17/2/2017 he discharged the accused pursuant to Section 210 of the Criminal Procedure Code. Clearly this was erroneous for the simple reason that no proceedings as envisaged under that Section had been undertaken. Further the matter was simply for mention and not hearing.

Under the provision of Section 362 and 364 of the Criminal Procedure Code I revise the said orders of 17/2/2017, set them aside and order that the matter do proceed afresh to its logical conclusion before the Honourable Chief Magistrate Mr V. Wandera.

Orders accordingly.

Delivered this 21<sup>st</sup> day of February 2017.

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**H.K. CHEMITEI**

**JUDGE**