

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT BUSIA

CRIMINAL CASE NO. 40 OF 2016

KAUTA RASHID

KENTRIX BARASA.....APPLICANTS

VERSUS

REPUBLIC OF KENYA.....RESPONDENT

RULING

1. The applicants' have told the Court that they have already been supplied with the investigations diary and a copy of the relevant entry in the OB. The State has indicated that the P3 form is not available as it has not been filled. The notice of motion filed on 21st October, 2016 is now spent.

2. In order to ensure that the applicants' case proceeds expeditiously, I now direct that they be produced before the trial Court so that their trial can proceed. If the P3 form is subsequently filled, the applicants will be entitled to a copy of the same. The complainant's reluctance to have the P3 form filled should not be an excuse for not proceeding with the matter. As the delay appears to arise from the prosecution side, the trial Court should fix the matter for hearing on priority basis or release the applicants on reasonable bond terms. This file is now closed.

Dated, signed and delivered at Busia this 20th day of March, 2017

W.KORIR,

JUDGE OF THE HIGH COURT