

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL CASE NO. 84 OF 2015

REPUBLIC.....PROSECUTOR

VERSUS

NAHASHON MUTUA ACCUSED

RULING

This matter came for mention on 9th May 2016. The purpose for mention was for review of the compliance of the order made by Honourable Lady Justice Lesiit on 13th April 2016. The Nairobi Remand was ordered to take the accused to Kenyatta National Hospital for treatment twice a week. It was further ordered that where treatment deferral becomes necessary the Remand Home is to inform the court of such deferral and the reason for it for every session the accused visits.

Mr. Mwangi and Ms Celine Odembo asked the court to give directions to enable the accused to be treated. Mr. Mwangi also told the court that given the challenges the accused is facing in regard to his referral for treatment he has applied to this court praying that all the prosecution key witnesses said to be under threat be called to testify when this case comes up for hearing on 6th to 16th June 2016 to pave the way for an application to have the accused bail application reviewed.

Ms Macharia for the prosecution told the court in response that the prosecution requires medical records to determine whether the accused was supposed to be taken to hospital and the challenges being faced. She told the court that the case has hearing dates and during those dates the prosecution plans to have all the witnesses testify.

It is not clear whether the defence counsel was arguing the application dated 2nd May 2016. Be that as it may, I find the orders given by Honourable Lady Justice Lesiit unambiguous. This case has hearing dates running for two weeks from 6th to 16th June 2016. With the undertaking given by Ms Macharia for the prosecution I see no need to grant any further orders except perhaps to emphasize the need, which I hereby do, to have all the prosecution witnesses to be secured to attend court and testify on the indicated hearing dates in order to optimize on judicial time.

Dated, signed and delivered this 10th May 2016.

S. N. Mutuku

Judge