

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MOMBASA

CRIMINAL REVISION NO.443 OF 2016

REPUBLICPROSECUTOR

VERSUS

IBRAHIM MAGHANGA MWANJALLA.....ACCUSED

RULING

This is a ruling in respect of request for revision of a ruling delivered on 24.10.2016 by Hon. D. N. Ogoti, Chief Magistrate being in Mombasa Criminal Case No 858 of 2013, Republic vs Ibrahim Maghanga Mwanjalla.

The reason for the request is that Hon D. N. Ogoti indicated that in the quest to deliver quick justice, he inadvertently made an error by finding that the prosecution had established a prima facie case against the accused person, who he placed on defence as per the provisions of section 211 of the CPC, instead of ruling on whether or not to allow the prosecution's application seeking to withdraw their case under section 87 (a) of the Criminal Procedure Code.

I have perused the court record in the said case and confirm the ruling is irregular.

By the powers conferred upon this court by the provisions of section 362 of the Criminal Procedure Code, the ruling of 24th October, 2016 is set aside for being irregular.

The file to be returned to the trial court for further orders or directions.

Ruling signed and dated this 8th day of November 2016.

D. O. CHEPKWONY

JUDGE