

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT VOI

PETITION NO 164 OF 2016

ANTONY MWAKATINI MWAISAKA.....PETITIONER

VERSUS

REPUBLIC.....RESPONDENT

JUDGMENT

1. I have endeavoured to explain to the Petitioner, Antony Mwakatini Mwaisaka the difference between a Judicial Review, a Revision and an Appeal but he is still adamant that he wishes to proceed with the Judicial Review.

2. Having listened to him and as was rightly stated by Miss Anyumba, counsel for the State, it is clear that the Petitioner is challenging the sufficiency of the evidence that was adduced against him leading to his conviction and sentencing. The decision was made by a judicial officer. It was not a quasi-judicial or administrative decision that would need to be quashed in Judicial Review proceedings. If the Petitioner was not satisfied with the decision of the Trial Court, he ought to approach this court in a proper manner.

3. I have carefully considered his Petition that was lodged on 18th November 2016 and brought under the provisions of Article 23(1) (3) (f) of the Constitution of Kenya, 2010 and note that he has not demonstrated that there was a violation or infringement of, or threat to, a right or fundamental freedom in the Bill of Rights.

4. In fact, he has sought that he be granted leave to file a Judicial Review which leave does not need to be sought.

5. Accordingly, having heard the Petitioner and counsel for the State, I find no merit in the Petition that was lodged on 18th November 2016 and hereby dismiss the same.

6. The Petitioner is at liberty to seek redress from the High Court of Kenya by following the correct procedure. I strongly recommend that the Petitioner seeks legal counsel on his intentions to approach the High Court of Kenya to ensure that he is not denied access to courts due to ignorance of the Law.

7. It is so ordered.

DATED and DELIVERED at VOI this 1st day of December 2016

J. KAMAU

JUDGE

In the presence of:-

Miss Anyumba..... for Respondent

Antony Mwakatini Mwaisaka.....Petitioner

Josephat Mavu– Court Clerk