

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT BUNGOMA

MISC. APPLICATION CASE NO. 69 OF 2013

ELKANA WAFULA MUHUYI APPELLANT

VERSUS

REPUBLIC RESPONDENT

RULING

1. The application before this court is dated the 2nd of December 2014. It seeks to have criminal case no. 1691 of 2010 transferred from the Bungoma Chief Magistrate's Court to any other court as the applicant is apprehensive that he may not receive a fair trial as the complainant is an officer with the National Intelligence Service within Bungoma town and may influence the outcome of the trial due to her position.

2. The State Law Office opposed the application although the affidavit in opposition and the submissions made were not relevant to the issue before court as the same addressed the issue of bond.

3. Having considered the relevant documents before court I am not persuaded to transfer the matter from this jurisdiction to another merely on grounds of apprehension noting that there is no proof of any or likely bias on the part of the court.

In the premises I decline to grant the order.

4. The applicant is reminded that the bail/bond application is renewable as circumstances change.

Dated at Bungoma this 5th day of May, 2015.

ALI-ARONI

JUDGE.