



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NYERI**

**CRIMINAL CASE NO. 33 OF 2009**

**REPUBLIC**

**VERSUS**

**GREGORY NGUNIA MWANGI alias MAINA MWANGI**

**DIRECTIONS**

When I retreated to write the judgment in respect of this case I realised that my predecessor at the station Hon. Mr Justice Wakiaga had concluded the hearing of this case and even set a date for delivery of the judgment.

Ordinarily, when the judgment date is set the file would be taken to the judge's chambers for the judge to write the judgment. This does not appear to have been the case in respect of this particular matter; it would appear that the file was returned to the registry on 4<sup>th</sup> July, 2014 when my brother set the judgment date and was only brought before me on 3<sup>rd</sup> July, 2015 when, being mistaken that it fell upon me to write the judgment I deferred the date for delivery of the judgment to 24<sup>th</sup> July, 2015, 31<sup>st</sup> July 2015, 14<sup>th</sup> August, 2015 and subsequently to 28<sup>th</sup> August, 2015.

Legally, it would be inappropriate for me to proceed and write the judgment as if I conducted the trial. As noted the trial was concluded by my learned senior brother Wakiaga, J. and since the learned judge had even set a date for judgment he is properly placed, and legally so, to complete the matter and write the judgment. For this reason, I direct the deputy registrar, High Court, Nyeri to deliver this file to Hon Mr Justice Wakiaga at the judge's new station at Nairobi to write the judgment in respect of this case.

In view of the directions I have given, the judgment in this case will only be delivered on such a date that Justice Wakiaga will inform this court that it is ready for delivery; the accused person, his counsel and the state shall be notified accordingly.

On behalf of the institution of the judiciary, I sincerely regret the delay in the delivery of the judgment as a result of this inadvertent mistake; however, it is only fair to the parties and more particularly to the accused person that the judgment should be written by the judge who concluded his trial. It is so ordered.

**Signed, dated and delivered in open court this 2<sup>nd</sup> day of October 2015**

Ngaah Jairus

**JUDGE**

In the presence of:

Accused: \_\_\_\_\_

For the state: \_\_\_\_\_

For the accused: \_\_\_\_\_