



**REPUBLIC OF KENYA**

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

**MISC CIVIL APP. CASE NO. 199 OF 2015**

**PATRICK JOHANNES OSORE...../APPLICANT**

**VERSUS**

**PATRICK AMWAYI SHAMWATA...RESPONDENT**

**DIRECTIONS**

1. The Chief Magistrate draws my attention to an order of 30<sup>th</sup> November 2015 made by Hon. C. I. Agutu in Busia Civil Case No. 176 of 2011 PATRICK AMWAYI SHAMWATA VS- PATRICK JOHANNES OSORE in which the Learned Magistrate committed the Judgment debtor to Civil Jail for a period of 3 months. I am asked to intervene and exercise my Revisionary powers.
2. By dint of authority given by Article 165(6) of the Constitution 2010, the High Court has Supervisory Jurisdiction over Subordinate Courts. That said, the order made by the Learned Trial Judge is Appealable and any party dissatisfied could resort to an Appeal in the usual manner. On the other hand, because the order, although made in a Civil Suit, has penal consequences and implicates the Civil Liberty of an individual there may be justification for this Court to interrogate its legality, correctness and /or propriety under its Supervisory Jurisdiction.
3. In view of the above, I invite the parties herein or their Counsel to appear before me on 9<sup>th</sup> December 2015 at 11.00 a.m. and to address me, inter alia, on the following:-
  - a. Whether this is a matter that deserves my interposition under Article 165(6) of the Constitution?
  - b. And if so, the legality, correctness or propriety of the order made by the Learned Trial Magistrate.
4. Production Order to issue for the attendance of the Judgment debtor.

**F. TUIYOTT**

**JUDGE**

**2/12/2015**