



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MOMBASA

CRIMINAL REVISION NO. 2 OF 2014

D D AND 128 OTHERS APPLICANTS

VERSUS

REPUBLICRESPONDENT

RULING

Under section 14 (1) of the Penal Code a child under eight (8) years not criminally responsible for acts or omission for any Act. A person under the age of twelve (12) years is not also criminally responsible for any act or omission unless it is proved that at the time of the Act he had the capacity to know that he ought not to do the act or make omission. If as it is alleged there are suspects under the age of twelve (12) years in custody those suspects should be immediately discharged.

The other suspects who are children over twelve (12) years to be remanded in a children remand home and or Port police.

This matter has a mention for tomorrow. I would not want to interfere with that mention which relates to investigations and plea taking.

The matter to be mentioned on **13th February, 2014** for further orders of this Court.

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M. MUYA

JUDGE

6TH FEBRUARY, 2014

In the presence of:-

Learned Counsel for the Applicants Mr. Balala

Court clerk Mr. Musundi

M. MUYA

JUDGE

Mr. Balala: We wish to apply for typed copies and proceedings with a view to getting instructions on appealing to the decision made.

Court: Typed copies of the proceedings and ruling to be furnished to the Counsel and the Director of Public Prosecution. Right of appeal fourteen (14) days.

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M. MUYA

JUDGE

6TH FEBRUARY, 2014.