

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MOMBASA
CRIMINAL REVISION NO. 131 OF 2013

DIRECTOR OF PUBLIC PROSECUTION APPLICANT

VERSUS

SKY BLUE HARDWARE PREMISESRESPONDENT

RULING

The application for revision is brought by the prosecution seeking orders that the execution of the order issued by the magistrate Hon. Nyakundi on 2nd October, 2013 Voi cannot be revised and vary the order to the effect that a Court with jurisdiction at Nairobi County does the conduct the inspection and report to Voi law Courts.

I have called for and perused the record of proceedings and the lower court. The order complained of is to the effect that the goods seized pursuant to the order made by the Court be returned to the jurisdiction of Voi Court within fourteen (14) days from the date the order was granted.

It is argued by the prosecution that the goods in question are tiles which are delicate in nature and transporting them to Voi would not only incur transportation costs but also considerable damage.

I do find that there are logistical problems in transporting the goods back to Voi Court from Nairobi. It would be more manageable for the Court to make arrangements to visit the Locus in quo where the goods are stored in Nairobi. The police to make the necessary arrangements for the Court visit.

The orders of the trial magistrate varied to that extent only. The other orders to be complied with.

Ruling delivered dated and signed in open court this **8th** day of **November, 2013**.

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M. MUYA

JUDGE

8TH NOVEMBER, 2013

In the presence of:-

Learned Counsel for the defence Mr. Oloo holding brief Gatundu

Learned State Counsel Miss Ogweno