



Republic v JO (Traffic Case E1899 of 2024) [2025] KEMC 25 (KLR) (11 February 2025) (Ruling)

Neutral citation: [2025] KEMC 25 (KLR)

**REPUBLIC OF KENYA
IN THE NAKURU LAW COURTS
TRAFFIC CASE E1899 OF 2024
PA NDEGE, SPM
FEBRUARY 11, 2025**

BETWEEN

REPUBLIC PROSECUTION

AND

JO ACCUSED

RULING

1. As per the provisions of Section 11 of the *Penal Code*, all persons are presumed to be of sound mind until the contrary is proved. The Accused person herein, JO, was presented before this court on 16/12/2024, charged with the offence of Acting as a Conductor Without PSV Uniform and PSV Badge contrary to Section 103A (1) as read with subsection (7) of the *Traffic Act* Cap 403 Laws of Kenya. The plea court, presided over by Hon. E. Oboge, Resident Magistrate (RM) was however notified that the accused appeared to be mentally insane. It thus referred the accused person to a psychiatrist for a mental health assessment.
2. The report by Dr. Karanja S. W., the consultant psychiatrist from Nakuru County Referral and Hospital dated 29/01/2025 concludes that the accused is mentally ill and requires treatment. That the accused is not even aware that he has been charged and is therefore not fit to plead.
3. Pursuant to the provisions of sections 162 of the *Criminal Procedure Code*, I thus find the accused to be of unsound mind and consequently incapable of understanding and following the proceedings. I thus hereby postpone the trial herein; and order for a Pre-bail report on whether the accused person herein may be released on bail and whether sufficient security can be provided that he will be properly taken care of and prevented from doing injury to himself or any other person, and for his appearance before the court or such officer as the court may appoint in that behalf.

DATED, SIGNED AND DELEIVERED AT NAKURU IN OPEN COURT THIS 11TH DAY OF FEBRUARY, 2025

ALOYCE-PETER-NDEGE



SENIOR PRINCIPAL MAGISTRATE

In the presence of;

Court interpreter: Janet

Prosecutions Counsel: Macharia

Accused: Present

