



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

HC CRIMINAL APPEAL CASE NO. 109 OF 2018

REPUBLICPROSECUTOR

VERSUS

JOHN MUNYUA

MUNGANIA.....RESPONDENT

RULING

Court:-

1. This is an old matter of the year 2018. No single witness has ever been heard for a period now of about 8 years. The accused is in custody and must be suffering awaiting trial which has never taken off.
2. **Article 50(2)(e) of the Constitution** provides that the accused person has the right to have the trial begin and

concluded without unreasonable delay. 8 years delay in trial; more so where an accused is in remand can hardly be justified. In recognition of the same, I granted a last adjournment to the prosecution on 18/9/2025. Between then and now there are almost 6 of which was ample time for them to put their house in order. Today the house is still in disarray and the reason given is presence of a new Investigating Officer in the matter. This cant be a justifiable reason for adjournment in such an old matter with a last adjournment.

3. By preferring charges against the accused, the State was shouting to all that they had enough evidence against him to lead to a conviction, and were willing and ready to call the said evidence. The accused does not have control of the process. He is presumed innocent and does not deserve unfair incarceration. Justice delayed is Justice denied.
4. Given the foregoing observation the application for adjournment is in want of merit and hereby dismissed.

DATED AND DELIVERED AT MERU THIS 10TH DAY OF MARCH, 2026.

S.M. GITHINJI- JUDGE
10/3/2026

Court:-

Prosecution having called no evidence against the accused for the entire period, and even today of which was a hearing day, the accused is acquitted of the offence under Section 306(1) of the C.P.C.

He is released or set free forthwith unless otherwise lawfully held.

DATED AND DELIVERED AT MERU THIS 10TH DAY OF MARCH, 2026.

S.M. GITHINJI - JUDGE
10/3/2026