



REPUBLIC OF KENYA



**Oyembo v Republic (Criminal Revision E003 of 2024)  
[2024] KEHC 1754 (KLR) (27 February 2024) (Ruling)**

Neutral citation: [2024] KEHC 1754 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT SIAYA  
CRIMINAL REVISION E003 OF 2024  
DO OGEMBO, J  
FEBRUARY 27, 2024**

**BETWEEN**

**AYUB MBUDI OYEMBO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(Being an application for revision from Orders of Hon. J.P. Mkala, Resident Magistrate, dated 8/2/2024 in Siaya Chief Magistrate's court, Criminal Case No. E859 of 2021)*

**RULING**

1. I have considered this matter and the letter of the trial magistrate dated 9-2-2024. I have also considered the circumstances of this case and the nature of the charges as shown on the charge sheet. I have further considered the fact that the Prosecution had asked for a withdrawal of this case under Section 87(a) of the CPC.
2. Section 362 of the *Criminal Procedure Code*, guarantees the powers of revision to this court in cases where there is an error, illegality or an impropriety in any orders or findings of a subordinate court.
3. I am convinced that there is an error in the order that the trial magistrate made in this matter on 8-2-2024 and that it would be in the interest of justice for this court to exercise its revisionary powers.
4. I accordingly revise and set aside the orders issued by the Hon. J.P. Mkala on 8/2/2024. I order that this case be reinstated for hearing. I order that this case be mentioned before the trial court on 28-2-2024 for fixing of a hearing date and for further necessary orders.

Orders accordingly.

**DATED, SIGNED AND DELIVERED AT SIAYA THIS 27<sup>TH</sup> DAY OF FEBRUARY, 2024.**

**D.O. OGEMBO**



**JUDGE**

