



**Republic v Ndunda (Criminal Revision E252 of 2024)  
[2024] KEHC 8600 (KLR) (16 July 2024) (Ruling)**

Neutral citation: [2024] KEHC 8600 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NANYUKI  
CRIMINAL REVISION E252 OF 2024  
AK NDUNG’U, J  
JULY 16, 2024**

**BETWEEN**

**REPUBLIC ..... APPLICANT**

**AND**

**VICTOR MWENDWA NDUNDA ..... RESPONDENT**

*(Being a revision of the orders of E. Ngigi SPM made  
on 12/6/24 in Rumuruti CR. Case noE327 of 2023)*

**RULING**

1. In proceedings dated 12/6/2024, the learned trial magistrate (E. Ngigi -SPM) convicted the accused in respect of Count 1 of the Charge sheet leaving Count II unattended.
2. The court has explained on record the circumstances leading to this omission.
3. I have in exercise of the powers conferred on this court by Section 362 of the Criminal Procedure Code perused the record and I note that out of sheer inadvertence, the trial court failed to address Count II in the charges facing the accused.
4. This is an error apparent on the face of the record which error vitiates the correctness or propriety of the proceedings.
5. Without addressing the said Count, the ends of Justice were not met.
6. This is an error amenable to be corrected by invoking the revision jurisdiction of the court.
7. I hereby direct that the proceedings herein be re-opened for purposes of correcting the anomaly aforesaid. The file is hereby remitted back to the Senior Principal Magistrate to deal as appropriate.
8. These directions and order be served on the ODPP and the Accused.



Matter be mentioned before the trial court on 23/7/2024.

**DATED SIGNED AND DELIVERED THIS 16<sup>TH</sup> DAY OF JULY 2024.**

**A.K. NDUNG’U**

**JUDGE**

