



REPUBLIC OF KENYA

High Court at Machakos

Criminal Revision 632 of 2012

CHARLES NDUVA MUVAKA ACCUSED/APPLICANT

VERSUS

REPUBLIC PROSECUTOR/RESPONDENT

RULING

Court: I do not see any justifiable reason to conclude that there is bias on the part of the trial court. In my view, bias has to be demonstrated in the conduct in court and reasons given. The fact that a witness is a government officer, and that the magistrate ends up in the same social place with the witness after work, per se, does not demonstrate bias unless there is other information such as where there is evidence they are discussing the case.

I find no justifiable reason for the disqualification of the trial court. I set aside the order of the trial magistrate disqualifying himself. I order that the case do proceed before the same trial magistrate according to law.

George Dulu

Judge

Court: Mention before the trial court on 7/1/2013.

Dated and delivered at Machakos this **18th** day of **December** 2012.

George Dulu

Judge

In presence of:

Mr Mukofu for State

Accused present

Mutinda – Court clerk



While the design, structure and metadata of the Case Search database are licensed by [Kenya Law](#) under a [Creative Commons Attribution-ShareAlike 4.0 International](#), the texts of the judicial opinions contained in it are in the [public domain](#) and are free from any copyright restrictions. Read our [Privacy Policy](#) | [Disclaimer](#)