

Theuri calls for registrar's arrest

By NATION Reporter

The hearing of an application for the arrest and imprisonment of the High Court Registrar, Mr John Mwera, was adjourned yesterday.

The case has been filed against Mr Mwera in his capacity as the Secretary to the Legal Council of Education by Mr Geoffrey Ndung'u Theuri, who recently

won a prolonged battle to become an advocate.

Mr Theuri argues that Mr Mwera disobeyed a High Court Order issued on May 20 that he be given a certificate or enrolment as an advocate and that his articles of clerkship be registered.

The order by Mr Justice Emmanuel O'Kusasi and Mr Justice Fidahusein Abdulla was

directed at the Secretary to the Legal Council of Education.

Mr Theuri says Mr Mwera has failed to obey the order and has requested the Chief Justice, Sir Alfred Simpson, to issue him with the certificate of enrolment and to register his articles of clerkship.

Yesterday when the application came for hearing before Mr Justice Abdul Rauf, a Principal State Counsel, Mr Muijo ole Keiwua, said he had not studied the file as a colleague, Mr Frank Shields, had been handling the matter.

Mr Keiwua said the Office of the Attorney-General had applied for an appeal against the judgment given by the High Court.

Mr Keiwua admitted that no leave of execution had been sought before the appeal application.

The counsel claimed it was impossible for him to argue the case while a related matter was pending before the Court of Appeal.

Mr Theuri in turn suggested that the court give the state counsel more time to peruse the file so proceedings would continue.

He wondered why he should be disadvantaged "just because the state counsel has not seen the documents in his file".

Mr Justice Rauf said he understood Mr Keiwua's predicament.

"It is not in the interest of justice to deal with this matter. Applications in the Court of Appeal should precede," he said. Mr Keiwua was asked to obtain an order of the stay of execution.

This is the exhibit marked "GNT-3" referred to in the
annexed Affidavit of Geoffrey N. Theuri sworn
before me this 18th day of July 1985
at Nairobi

[Signature]
Commissioner for Oaths