



**Mwongela v Republic (Criminal Revision E005 of 2023)  
[2023] KEHC 1416 (KLR) (28 February 2023) (Ruling)**

Neutral citation: [2023] KEHC 1416 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT SIAYA  
CRIMINAL REVISION E005 OF 2023  
RE ABURILI, J  
FEBRUARY 28, 2023**

**BETWEEN**

**JOSEPH MWONGELA ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(Being an Application for revision in Ukwala PMCr. E002/2023)*

**RULING**

1. I have perused the application for revision dated 24/2/2023, the grounds, supporting affidavit and annexures.
2. It is clear that the criminal case against the accused/applicant herein was withdrawn by the prosecution with leave of court.
3. The applicant had deposited cash bail into court. The trial court ought to have made orders for refund of the cash bail as there was no evidence that the accused who had earlier on appeared virtually with his advocate with leave of court had absconded and as it is the court that lost connectivity due to power outage.
4. For the above reasons as explained by counsel for the applicant Mr. Ooro F., I find the application merited.
5. I revise the trial court's order forfeiting the applicant/accused person's cash bail of Kshs. 30,000/= as ordered in Ukwala PMCr. E002/2023 and set it aside and order that cash bail Kshs. 30,000/= be refunded to the accused Joseph Mwongela Ndiku upon his production of the original receipt for the deposit of the said cash bail into court.
6. I so order.



7. File closed.

**DATED, SIGNED AND DELIVERED AT SIAYA THIS 28<sup>TH</sup> DAY OF FEBRUARY, 2023**

**R.E. ABURILI**

**JUDGE**

