



**Republic v Bosire (Criminal Case E024 of 2022)
[2023] KEHC 18202 (KLR) (30 May 2023) (Ruling)**

Neutral citation: [2023] KEHC 18202 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYAMIRA
CRIMINAL CASE E024 OF 2022
WA OKWANY, J
MAY 30, 2023**

BETWEEN

THE REPUBLIC PROSECUTOR

AND

WYCLIFFE KABAKA BOSIRE ACCUSED

RULING

1. At the end of the hearing session of May 23, 2023, Mr. Mayaka, Learned Counsel for the accused informed the court that his attempts to have a surety who had presented documents to the Deputy Registrar (DR) for approval so as to secure the release of the accused on bond was declined by the said Registrar on account of his advanced age.
2. Mr. Mayaka therefore urged this court to review the decision by the DR so as to have surety admitted/ accepted.
3. Mr. Mwangi, Learned Counsel for the State, submitted that the application by Mr. Mayaka was unusual and that the prosecution was apprehensive of the said surety based on his advanced age. He noted that a surety should be a person who is capable of monitoring the accused's activities so as to ensure that he attends court.
4. I have considered the rival submissions by Counsel on the issue of review of a decision by the DR declining to approve the surety.
5. A perusal of the court file however reveals that no such proceedings, for approval of surety, exist or were recorded. As a court of record, this court cannot purport to review orders that do not exist.
6. Even assuming for arguments' sake that the DR declined to approve the surety, for whatever reasons, the approval of sureties falls within the mandate of the DR and this court cannot purport to compel the DR to approve a surety if he is not satisfied with his/her suitability.



7. In sum, I find that the prayer by the accused for a review of the orders of the DR is misplaced and I therefore decline to grant it.
8. It is so ordered.

**RULING DATED, SIGNED AND DELIVERED AT NYAMIRA VIA MICROSOFT TEAMS THIS
30TH DAY OF MAY 2023.**

**W. A. OKWANY
JUDGE**

