

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

CRIMINAL REVISION NO. 1 OF 2022

(ORIGINATING FROM KISUMU MISC. CRIMINAL APPLICATION NO. E003 OF 2021)

EVANS OTIENO ONGANGO.....1ST APPLICANT

BRIAN ODHIAMBO OTIENO.....2ND APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

1. I have considered the application seeking leave of court to be heard during the recess and for bail pending trial.
2. I am not satisfied that there is any urgency involved as the urgency is not disclosed in the affidavit. This is a matter which can be handled by the High Court at Kisumu in the ordinary course of business.
3. Furthermore, the applicants are facing robbery with violence charges before Nyando PM's court vide Cr. Case No A130/2020. The Applicants have not given reasons why they have come to the High Court through a revision application. They have not stated that they applied for bail or were denied bail pending trial in the lower court.
4. I decline to certify this matter as urgent. I further decline to hear the application during the recess. I direct that the application be served upon the Office of the Director of Public Prosecutions, Kisumu for *interpartes* consideration before the Hon. Judge at Kisumu.
5. Mention before Kisumu High Court on 25/1/2022.
6. These proceedings to be typed forthwith and submitted to Kisumu High Court to notify the Applicants and for further orders
7. Orders accordingly

DATED, SIGNED AND DELIVERED AT SIAYA THIS 7TH DAY OF JANUARY, 2022

R.E. ABURILI

JUDGE