



**Prosecutor v Mubia (Criminal Case 69 of 2019)
[2022] KEHC 15778 (KLR) (Crim) (30 November 2022) (Ruling)**

Neutral citation: [2022] KEHC 15778 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
CRIMINAL
CRIMINAL CASE 69 OF 2019
DO OGEMBO, J
NOVEMBER 30, 2022**

BETWEEN

PROSECUTOR REPUBLIC

AND

FRANCIS WANJOHI MUBIA ACCUSED

RULING

1. The accused has filed a Notice of Motion application herein dated September 21, 2022. This application seeks for revisions of the terms of bail as ordered by the court on October 25, 2021. The main ground of the application is that the accused has been unable to raise the required security, and that he can only manage a bond of Kshs 500,000 with 1 surety or a cash bail of Kshs 100,000 as an alternative.
2. The prosecution has opposed this application on grounds that the terms as set by the court are fair and that in any case, there has not been any change in the circumstances of this case.
3. I have considered this application and the submissions made to it by the 2 sides. I have also considered the earlier findings on this matter of bail made on October 25, 2021. The said orders were made after a consideration of the circumstance of this case. In bringing this application, the applicant has not indicated to this court any change in the circumstances of this as to warrant a revision of the orders earlier made by this court. In my view, the terms aggrieved of remain fair. I therefore do not find any merit in the application of the applicant dated September 21, 2022. The same is dismissed. Orders accordingly

DO Ogembo

Judge



30thNovember2022.

Court:

PARA 4.

Read out in court in presence of the accused, Mr Farah, and Ms Gichuhi for state.

30th November, 2022

Before Hon D Ogembo J

Court assistant Kathomi/Hadija

Mr Farah for accused – present

Ms Gichuhi for state – present

Ms Gichuhi:

PARA 5.

This is for hearing. We are not ready to proceed. I have the investigating officer and Pathologist. However, an exhibit is not available. And the post mortem needed to be certified. We ask for a further date.

Mr Farah:

PARA 6.

We also have tomorrow. We have not heard about the civilian witnesses. If it is to be adjourned. We request for 2 days.

Gichuhi:

It is not possible to proceed tomorrow. We really apologize.

Court:

PARA 7.

Case is hereby adjourned on application of the prosecution. Hearing 15th 16th February 2023.

Signed.

Court:

