



REPUBLIC OF KENYA



**Republic v Oso (Criminal Revision 24 of 2022)
[2022] KEHC 15538 (KLR) (Crim) (21 November 2022) (Ruling)**

Neutral citation: [2022] KEHC 15538 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
CRIMINAL
CRIMINAL REVISION 24 OF 2022
JM BWONWONG'A, J
NOVEMBER 21, 2022**

BETWEEN

REPUBLIC APPLICANT

AND

PC BECKHAM OSORO ACCUSED

*(Being an application for review of the order of Hon. Justice Wakiaga, delivered on 28/05/2020
in the High Court in Criminal Case No. 24 of 2020, Republic v PC Beckham Osoro Orwar)*

RULING

The case for the applicant

1. The applicant informally applied for review of the order of Wakiaga, J, that denied him bail/bond on 28/05/2020.
2. According to counsel for the accused (Mr. Assa Nyakundi) the ruling of that court was that the accused had been denied bail/bond until all the civilian witnesses, who were with the deceased at the time of shooting had testified. Counsel cited paragraph 16 of the judge's ruling in support of his application.
3. Mr. Nyakundi further submitted that if the victims were not satisfied with the ruling of the judge they ought to have appealed against it.
Ms. Maina for the Republic left the matter to the court to decide.
4. Mr. Majimbo, counsel for the victims opposed the application on two grounds. First, bail was denied because the accused was likely to interfere with the witnesses, according to paragraph 15 of the judge's ruling. Secondly, counsel for the applicant ought to have filed a formal application to demonstrate change of circumstances. This, counsel continued would have given them an opportunity to respond.



Issues for determination

5. I have perused the ruling and order that is sought to be reviewed. According to the ruling in paragraph 15, the court refused to grant bail/bond because, there was a likelihood that the accused was likely to interfere with the course of justice, if he was to be released on bail/bond.
6. Furthermore, according to paragraph 16 of the said ruling the accused was denied bail/bond until the civilian witnesses who were with the deceased at the time of the alleged shooting, together with the two police officers who were with the accused had testified.
7. It is not correct as contended by Mr. Nyakundi that the victims had a right of appeal against the ruling of the court. Such a ruling is not appealable.
8. It is therefore clear that the accused has not demonstrated that all witnesses have testified in terms of the two grounds upon which bail/bond was denied by the court.
9. The upshot of the foregoing is that the application for review fails and is hereby dismissed.

RULING SIGNED, DATED AND DELIVERED IN OPEN COURT AT NAIROBI THIS 21ST OF NOVEMBER 2022.

J M BWONWONG'A

JUDGE

In the presence of-

Mr. Kinyua: Court Assistant

Mr. Omenke for the accused.

Mr. Maina for the Respondent

