

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

CRIMINAL REVISION CASE NO. E306 OF 2021

ZAMEER KASSIM MOHAMED.....1ST APPLICANT

MAHIR NAKURU AUTOMOTIVES LIMITED.....2ND APPLICANT

VERSUS

REPUBLIC.....DPP

RULING

Court:

I have considered the submissions of both sides. This is an application for revision of terms of bond. Same has already been certified urgent. The applicant has gone ahead to plead its case. The respondent counsel, on the other hand has maintained that the need to respond to the same.

One tenet of the right to fair hearing is that each party be given the opportunity to be heard. Though the powers of the court under section 364 of the Criminal Procedure Code are such that the court may even just call for the lower court file and act on the same, it is only fair that counsel has access at least to the letter asking for revision and the proceedings of the lower court.

I have noted that even the lower court was able to set the terms of bail on the spot after plea. Since counsel has access to this application filed on line on the court's portal, I am convinced that an adjournment of 1 day would be sufficient for counsel to access the same.

Having heard the submissions of the applicant, I adjourn this matter to tomorrow, 25.6.2021 at 9:00am for the response, if any of the Respondent. Mention 25.6.2021.

D. O. OGEMBO

JUDGE

24.6.2021.