

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MACHAKOS

CRIMINAL APPEAL NO. 20 OF 2018

ANN WAMBUI GITONGA a.k.a.

ANN WAMBUI MAINA.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

1. The appellant herein has filed the same application as the one dated 19th February, 2018 in which she sought bail/bond. The grounds upon which the application is premised is that the appellant is married with children who depend upon her for upkeep and that she is currently expectant.

2. Bearing in mind that the motion seeks the same orders and is based on the same ground, this court has no jurisdiction to determine this motion since it is functus officio as regards an Application for bail pending appeal. In the circumstances, the motion is dismissed. As the lower court proceedings have been typed and appeal admitted, the Appellant is directed to proceed and have the requisite directions taken on the disposal of the appeal.

Orders accordingly.

Dated and delivered at Machakos this 22nd day of **March**, 2018.

D.K. KEMEI

JUDGE

In the presence:-

Thuku for the Appellant

Machogu for Respondent

Kituva - Court Assistant