

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL DIVISION

HIGH COURT CRIMINAL REVISION NO. 790 OF 2018

REPUBLIC.....PROSECUTOR

VERSUS

GIDEON KIPKOECH KIMAIYO.....1ST ACCUSED

MIRAJ PARESH SHAH.....2ND ACCUSED

CAROLYNE MUENI MULL.....3RD ACCUSED

(From original conviction and sentence in Criminal Case No. 135 of 2017 of the Chief Magistrate's Court at JKIA)

RULING

1. This file has been placed before me for revision under **Section 362** of the **Criminal Procedure Code** vide letter dated 27th August 2018 by the Senior Principal Magistrate JKIA Law Courts in respect of an order made on 17th August 2018 in respect of release of the cash bail deposited on behalf of the 1st and 2nd accused persons who were acquitted.

2. Upon perusal of the said file I have noted that the accused persons stated in court that they had given the sureties money to pay on their behalf but the said sureties were not summoned to confirm the said position.

3. I have noted that the said sureties have now written to court demanding that the said sums of money be released to them on the strength of the deposit receipts held by the same.

4. In the interest of justice in this matter and so as not to disadvantage any party I hereby reverse the order of Hon. CM. Nzibe dated 17/8/2018 ordering the release of the cash bail deposited on behalf of the 1st and 2nd accused to their Advocate Mr. Elkington and substitute the same with a Mention before Hon. Lucas Onyina in the presence of Mr. Elkington, Mr. Fredrick Ooko Aketch and Mr. Jimi Nhlapo Masege for confirmation that the said sums were given to the sureties by the accused persons to deposit on their behalf before confirming the order issued herein.

5. This matter to be mentioned before the Deputy Registrar of this court on 14/9/2018 to close the file upon confirmation of the Mention date before SPM JKIA Law Courts.

DATED, SIGNED and DELIVERED at Nairobi this 30th day of August, 2018.

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J. WAKIAGA

JUDGE