

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KAKAMEGA
CRIMINAL DIVISION
CRIMINAL APPEAL NO. 86 OF 2016

BETWEEN

AINEYA KARANJA OLWENYA....APPELLANT

AND

REPUBLICRESPONDENT

(Being an appeal from the Judgment of Hon Jacinta A. Owiti P.M delivered on 31.03.2016 in Vihiga Court Criminal Case No. 359 of 2015)

R U L I N G

1. The appellant/applicant filed the notice of motion dated 04.10.2016 by which the applicant seeks to have the orders made by the Principal Magistrate court at Vihiga on 20.09.2016 stayed. The applicant also prays for grant of bail pending appeal. The application is supported by grounds on its face and also by an affidavit sworn by Maobe Winnie Mukhwana on the same date.

2. On 16.02.2017, when the application came up for hearing, prosecution counsel did not raise an objection to the same.

3. I have considered the application and the circumstances leading to the trial court's orders of 20.09.2016. In light of those circumstances, I do not think that it would be prudent for the application to be granted. The application is accordingly dismissed.

4. So that his matter moves forward without further delay, I direct counsel for the appellant to pursue the appeal to ensure that the appellant does not serve full sentence before the appeal is heard and determined.

Orders accordingly.

Ruling delivered, delivered, dated and signed in open court here at Kakamega this 28th day of February,2017

RUTH N. SITATI

JUDGE

In the presence of;-

Miss Mukhwana (present).....for Appellant/Applicant

Mr. Ng'etich (present).....for Respondent

Mr. Polycap.....Court Assistant.