

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISII

CRIMINAL CASE NO. 46 OF 2011

REPUBLICPROSECUTOR

VERSUS

HENRY OMARE OBOKOACCUSED

18/3/2015

Before J. Wakiaga, J.

Bibu – CA

Mr. Majale for the State

Mr. Ondari for the Accused

Accused present

RULING

Court The prosecution had been granted final adjournment by Justice Muriithi on 6/5/2013 and the matter fixed for hearing on 23/10/2013. On 20/1/15 this matter was fixed for hearing before me when the state once again applied for adjournment on the basis that the witnesses who had been bonded had failed to turn up. To day Mr. Majale informed the court that he had one witness who was duly sworn and put on the witness stand. He has now applied for the said witness to be stood down so that he can refresh her memory.

Notwithstanding the fact that judge Muriithi had granted final adjournment and taking into account that one witness has testified I will allow the application and stood down the witness to 28/5/2015 for further hearing. This is the final adjournment to the prosecution. The accused person may be released on bond of Kshs.1,000,000/= with two sureties of similar amount on condition that the same shall not interfere with any of the prosecution witnesses.

He shall immediately upon his release report to his Area Chief who shall monitor his conduct during the period he is out on bond and shall be reporting to the said Chief every last Thursday of the month.

The accused shall also attend mention before the D/R of this court once after every 30 days with the first such mention being on 20/4/2015 and thereafter at dates to be set by the said D/R.

Justice must look at both sides, it is not for the accused person to bring witnesses to court unless he has been put on his defence and since the accused has been in custody since 25/5/2011, I see no reason to hold that he has been interfering with the attendance of witnesses in court.

J. WAKIAGA

JUDGE

18/3/2015