



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MOMBASA

CRIMINAL APPEAL NOS. 153 OF 2014, 17 OF 2015, 175 OF 2014, 174 OF 2014, 173 OF 2014, 8 OF 2015, 9 OF 2015, 10 OF 2015, 2 OF 2015, 3 OF 2015, 4 OF 2015, 5 OF 2015, 6 OF 2015, 7 OF 2015, 168 OF 2014, 171 OF 2014, 181 OF 2014, 176 OF 2014, 13 OF 2015, 169 OF 2014, 172 OF 2014, 18 OF 2015, 19 OF 2015, 21 OF 2015 AND 22 OF 2015

LT. JEFFERY OKURI PEPELA & 25 OTHERSAPPELLANT

VERSUS

REPUBLICRESPONDENT

(From the Original Conviction and Sentence in the Court Martial Case of Mtongwe Navy Base - Mombasa).

RULING

An application was made by the prosecution for interim stay of the Courts Judgment and decision for a period of fourteen (14) days to allow them proceed with the process of appeal to the Court of Appeal. This application was rejected.

The reason being that I sat on appeal in the Court martial cases and I rendered my Judgment on them. There is no appeal filed on the Judgment yet. There is no provision of the law cited under which I can stay my own Judgment.

The authorities cited by the prosecution are not relevant to this application.

Criminal Revision No. 54 of 2014 **Republic -Vs Baktash Akasha and Others** was an application by way of a revision. I cannot review my own Judgment in the manner sought.

The supreme court of case **Gaitirau Peter Munya Vs Kithinji Dickson Mwenda**. Supreme Court was dealing with an application of stay of execution of the Judgment of the Court of appeal. It was not dealing with stay of its own Judgment.

The prosecution are at liberty to proceed with their appeal if any.

Reasons given this **24th** day of **August, 2015**.

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M. MUYA

JUDGE

24TH AUGUST, 2015

In open Court and in the presence of:-

Mr. Jami.

M. MUYA - JUDGE

Mr.

We had gotten the release orders.

Gikandi:

Court:

Release orders to be promptly signed and issued.

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M. MUYA

JUDGE

24TH AUGUST, 2015