



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
CRIMINAL CASE NO. 79 OF 2012

REPUBLIC..... RESPONDENT

VERSUS

- 1.NO.58556 SGT. ALBERT NJIRU.....1ST APPLICANT
2.NO.91232 P.C. ELIJAH KIMOI.....2ND APPLICANT
3.NO.85385 JOB JAMES WERU.....3RD APPLICANT
4.NO.77499 P.C. DANIEL PAKAR MATUNGE.....4TH APPLICANT
5.NO.86231 P.C. STEPHEN ARIGA.....5TH APPLICANT
6.NO.83103 P.C. KENNEDY OMINDE.....6TH APPLICANT

R U L I N G

The six applications before me seek a review of the ruling of this court delivered on 13th August 2013. In the ruling, I disallowed the applications for bail in respect of all the accused in this case for the reason that the civilian witnesses were likely to be intimidated. I was persuaded, taking all factors into consideration, that the interests of justice would be served in not allowing the application. In the present application, the accused have, through the averments in their supporting affidavits and submissions of their respective counsel urged the court to review the earlier ruling. They have undertaken not to interfere with witnesses and to turn up in court for their trial. The State on the other hand has opposed these review applications on the ground that not all the civilian prosecution witnesses have testified and that they would experience real fear if the applicants were released.

Having considered all the respective affidavits and submissions, I am of the view that the applications have not raised any new issues for consideration by the court. All the issues raised were canvassed and considered at length in the first application. As indicated above, the primary reason that the court denied bail was to safeguard the testimony of the civilian prosecution witnesses whom the court was persuaded were likely to be intimidated. Those witnesses are yet to testify. The court was also of the considered view that the ends of justice in this case would be served by fast tracking the trial to conclusion. I am still so persuaded.

The respective applications for review are thus rejected.

Ruling delivered, dated and signed at Nairobi this 20th day of March, 2014

R. LAGAT - KORIR

JUDGE

In the presence of:

-: Court clerk
-: 1st Applicant
-: 2nd Applicant
-: 3rd Applicant
-: 4th Applicant
-: 5th Applicant
-: 6th Applicant
-: For the 1st accused/applicant
-: For the 2nd accused/applicant
-: For the 3rd accused/applicant
-: For the 4th accused/applicant
-: For the 5th accused/applicant
-: For the 6th accused/applicant
-: For the State/respondent