



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MOMBASA
CRIMINAL CASE NO. 48 OF 2012

REPUBLIC..... PROSECUTOR

VERSUS

GEORGE MASEGHE MWANGEMIACCUSED

RULING

This is an application by the defence seeking to have a bond which was canceled by this Court reinstated.

On the 2nd day of April, 2014 an application was made by the prosecution seeking to have the bond for the Accused canceled on account of the Accused interference with Witnesses. In its ruling cancelling the bond the Court observed that the case had been adjourned on numerous occasions at the behest of the defence for various reasons when the Witnesses were present. It was also noted that they come all the way from Wundanyi. The Court also did note that the allegation that he was interfering with Witnesses was a serious one and proceeded to cancel the bond. The grounds for the reinstatement of the bond are that the allegations for interference with Witnesses was unfounded as the Witness who has been interfered with was not disclosed. As to the numerous adjournments its contended that its Counsel for the Accused who caused the adjournments but not the Accused.

I have perused the file and I am satisfied that the Accused has substantially contributed to the numerous adjournments in this case. The case ought to have taken off on the first hearing date which was 8th November, 2012. Since then there has been numerous adjournments at the behest of the defence. In all the days in which the case has been adjourned prosecution Witnesses have been duly present traveling all the way from Wundanyi to Mombasa which is quite an onerous task. It was apparent to the Court that owing to the fact that he was on bond, the Accused was not desirous to have the matter heard expeditiously. There is no change of facts or a new and or intervening factors to persuade this Court to come to a different conclusion. The application has no merit and is disallowed.

Ruling delivered dated and signed this **23rd** day of **May, 2014**.

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M. MUYA

JUDGE

23RD MAY, 2014

In the presence of:-

Counsel for the applicant

Counsel for the defence Mr Omari

Court clerk Musundi

M. MUYA

JUDGE

Court: Hearing 3rd July, 2014. Prosecution to present Witnesses on the hearing date.

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M. MUYA

JUDGE

23RD MAY, 2014