

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MOMBASA

CRIMINAL APPEAL NO. 102 OF 2014

MOHAMED ABBAS ABDALLAH APPELLANT

VERSUS

REPUBLICRESPONDENT

(From original Conviction and Sentence in Criminal Case No. 19 of 2014 of the Children's Court at
Tononoka – **Hon. B. Koech - RM**)

RULING

The Complainant was Convicted and Sentenced to a committal at a Borstal Institution for three years. He had pleaded guilty to the charge.

An application for bond pending appeal was rejected by this Court principally on the recommendations contained in a probation report. A fresh application seeking the same orders was subsequently filed on the grounds that there are new factors which were not considered in the report filed by the probation officers. These factors or new grounds are said to be contained in three letters. One dated 5th June, 2014 from the head teacher Taga dumi Muslim School, another letter of even date from Head teacher Al-Rahim Academy and another from the village Elder also dated 5th June, 2014.

I have perused the said letters and I find nothing new to persuade the Court to revisit the issue of bail pending appeal and at any rate the matter has a date for hearing of the main appeal which is 7th July, 2014.

The matter to proceed with the main hearing of the appeal. The application is dismissed.

Ruling delivered dated and signed this **26th** day of **June, 2014**.

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M. MUYA

JUDGE

26TH JUNE, 2014

In open Court in the presence of:-

Mr. Were for the appellant