



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MOMBASA

CRIMINAL APPEAL NO. 114 OF 2014

(From Original Conviction And Sentence In Criminal Case No. 894 Of 2014 Of The Chief Magistrate's Court At Mombasa – Hon. Gicheru - Cm)

SHARIFU MOHAMED SHARIFUAPPELLANT

VERSUS

REPUBLICRESPONDENT

RULING

This Notice of Motion application dated 11th July, 2014 and which is expressed to be brought under article 50 of the Constitution of Kenya 2010 Section 123, 126, 356 and 357 of the Criminal Procedure Code seeks to admit the Appellant to bond pending appeal.

The grounds are that the Appellant was arraigned before the Chief Magistrate's Court and charges were read to him in English and Kiswahili languages which he did not understand and a plea of guilty entered.

It is contended that the appellant has an arguable appeal with high chances of success.

That there is every likelihood that he may serve the whole term before his appeal is heard and determined and hence the appeal would be rendered nugatory.

I have perused the lower court and I am satisfied that this application has merit. There is likelihood that the Appellant will serve his Sentence before his appeal is heard and determined.

The application is also not opposed. I accordingly admit the applicant to a bond of Ksh. 500,000/= with one Kenyan surety of similar amount.

The appeal to be given a hearing on priority basis.

Ruling delivered dated and signed this **31st** day of **July, 2014**.

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M. MUYA

JUDGE

31ST JULY, 2014

In open Court in the presence of:-

Mutiso for the appellant

Mureithi for the State