

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

CRIMINAL REVISION NO. 13 OF 2014

DAVID KIPROTICH TERERAPPLICANT

VERSUS

REPUBLICRESPONDENT

(Arising from Kericho CM Criminal Case No. 1423 of 2014)

RULING

This file was placed before me for purposes of Revision upon the applicant's request filed herein on **26th November 2014**. I called for the court file as is within my mandate. The State was also served with the Applicant's request plus the record of the lower court. The State for the reasons indicated in the submissions above has no objection to the applicant's request for reinstatement of bond.

A perusal of the record shows that the applicant on **25th November 2014** told the court the following:

"I pray for the case to begin afresh.

The complainant wishes to forgive me."

From the ruling that followed, the applicant's bond was cancelled just because the complainant had been declared vulnerable by the court. There is nothing before the court to show that the applicant was interfering with witnesses. The prosecution did not raise the issue.

All that the court was expected to do was to either accept or decline to allow reconciliation. The order cancelling bond was too drastic and uncalled for.

I therefore review and set aside the order cancelling the applicant's bond. I reinstate his earlier bond on the same terms.

The applicant to appear before the trial court today at 2.00 p.m. for purposes of fixing a hearing date.

Dated, signed and delivered this 10th day of December, 2014.

H.I. ONG'UDI

JUDGE