

REPUBLIC OF KENYA

High Court at Kisumu

Revision Case 800 of 2012

REPUBLICAPPLICANT

VERSUS

MESHACK OMONDI OGOLLARESPONDENT

RULING

I have perused the proceedings in criminal cases number 627 of 2012 and 681 of 2012 as well as the letter from the State Counsel dated 15th August 2012. There was no basis at all for the trial court to have ordered the exhibit to be returned to the accused for proper storage.

Taking in totality the entire proceedings in the two (2) files I do order that the Petroleum products be and are hereby forfeited to the State.

The accused never appeared to be a remorseful offender and the court ought to have taken into consideration the previous record which was hardly less than a fortnight.

Orders accordingly.

Dated, signed and delivered at Kisumu this 25th day of March 2013

H.K. CHEMITEI

JUDGE

In the presence of:

.....for State Counsel

.....for the Respondent

HKC/aao