

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NYERI
CRIMINAL CASE NO. 10 OF 2011

PETER MWANGI MUTHONI.....1ST ACCUSED
JOHN KARURI KIMARI..... 2ND ACCUSED
JOHN NJORA IRUNGU..... 3RD ACCUSED
WILSON MANI GACHUCHIA..... 4TH ACCUSED

VERSUS

REPUBLIC..... RESPONDENT

RULING ON REVISION

The proceedings of the Deputy Registrar of this court relating to the approval of the security for release of the accused person on bond/bail pending trial were placed before this court under *Section 362* of the Criminal Procedure Code.

I have perused the aforesaid proceedings. It is clear that M/s Wambilyanga, learned Deputy Registrar, stated in her ruling that she will not approve the provision of a title deed as security because the same relates to immovable property contrary to *Section 131(2)* of the Criminal Procedure Code. With respect, the learned Deputy Registrar misapprehended the point. The law did not outlaw the giving of neither title deeds nor documents relating to immovable property as security. The order made on 15th December 2011 is set aside. The aforesaid Deputy Registrar or any other Deputy Registrar is directed to accept the aforesaid title as sufficient security to enable the accused secure his freedom on bond/bail pending trial.

Dated and delivered at Nyeri this 3rd January 2012.

J. K. SERGON
JUDGE