



**JUMA ATHMAN  
MWACHARERO.....APPLICANT**

**=VERSUS=**

**REPUBLIC.....RESPONDENT**

**RULING**

The Applicant herein **JUMA ATHMAN MWACHARERO** had stood as the surety for the accused **SAID RIZIKI OMAR** in Criminal case No. 558/2012. The Applicant deposited in court the log-book for his motor vehicle registration No. KAY 503T. As it transpired the accused absconded from the trial and jumped bail. The Applicant now informs this court that the accused is in Durban, South Africa and asks the court to stay the proceedings of the lower court to grant him more time to arrange for the extradition of the accused from Durban in South Africa.

The duties and obligations of a surety are clearly explained and spelt out to any potential surety. As a surety the Applicant undertook and bonded himself to produce the accused person in court whenever he was so required. The Applicant willingly and voluntarily accepted these terms. The Applicant has failed dismally in this. He admits that not only has the accused jumped bail and absconded from court, he has even left the jurisdiction of these courts and is now in South Africa.

Having failed to hold up his end of the bargain so to speak, it is incredible that the Applicant now asks for help of State authorities to have the accused extradited from South Africa. The bottom line is that the Applicant has failed to execute his duties as a surety. He petitioned the lower court to have the accused released on his cognizance and then failed to produce the accused back in court when he was required. He must face the sanctions as set down by the law. I find no merit in this present application and the same is dismissed in its entirety. No orders on costs.

**Dated and Delivered in Mombasa this 31<sup>st</sup> day of July 2012.**

**M. ODERO**

**JUDGE**

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In the presence of:

Ms. Njuguna holding brief for Mr. Nyaange for surety

Mr. Onserio for State