



REPUBLIC OF KENYA

High Court at Eldoret

Miscellaneous Criminal Appeal 25 of 2012

ROBERT ISAAC MURAMBI.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

The Application before this court is for bail pending appeal.

The Appellant was charged with the offence of stealing contrary to Section 278 (A) of the Penal Code and was convicted on the 1st August, 2012.

The Appellant was also charged with the offence of giving false information to person employed in the Public Service contrary to Section 129 (b) and was convicted on the 20th December 2011.

The Appellant submitted that he had preferred Appeals in both cases in the High Court and submits the case numbers are No. 162 of 2011 and No. 01 of 2012.

The Appellant submitted that the Appeals had overwhelming chances of succeeding.

He submitted that the appeal on the offence of stealing raised issues on identification, possession and that the investigations were done shoddily, to use his words.

The Appellants urged the court to allow his application and admit him to bail.

The Application was opposed by Learned Counsel for the State who submitted that the Application was based on mitigation and the Appellant failed to show his grounds of appeal.

Counsel further submitted that the Applicant had not demonstrated that the Appeal had merit and had an overwhelming chance of succeeding.

Counsel urged the court to dismiss the Application.

Having heard the arguments of both the Appellant and Counsel for the Respondent the only issue for this court has to determine is whether the Appeals have overwhelming chances of succeeding.

I have had the opportunity to call for both of the Appeal files and have had the occasion to peruse both files at length. Unfortunately the files do not contain the Record of Appeal and therefore there are no proceedings in both files for this court to ascertain whether the grounds of appeal are sound and whether the Appeals have overwhelming chances of succeeding.

At this juncture there is nothing in the court file to persuade this court that the Appeals have overwhelming chances of success.

For the reasons stated above, this application is disallowed. The Appellant is nevertheless at liberty to revisit his application for bail at a later date when the Records of Appeal have been prepared.

It is so ordered.

Dated and delivered at Eldoret this 17th day of October 2012.

**A.MSHILA
JUDGE**

Coram: Before Hon. A Mshila J

CC: Andrew

Appellant: In person.

Counsel for the State: Wainaina

**A.MSHILA
JUDGE**