REPUBLIC OF KENYA

High Court at Machakos

Criminal Appeal 139 of 2011

JOHNSTONE NGEMU NZOMO …..……...… APPELLANT

VERSUS

REPUBLIC ……..……..……. RESPONDENT

R U L I N G

This application for bail pending appeal dated 12th October 2011 will have to be dismissed.

Two appeals were filed herein. This one in which the application for bail was filed, was brought by **M/s Anne Kiusya & Company Advocate**. Another appeal **H.C.Criminal Appeal No. 142 of 2011,** was filed by the appellant/applicant in person. Both appeals from proceedings in Tawa **RM Cr. Case No. 133 of 2011.**

Criminal Appeal No. 142 of 2011 has already been decided by **Makhandia J.** who dismissed the same on 15th October 2012. This fact was unknown to me when the present application for bail pending appeal came up for hearing before me on 19th November 2012.

The appeal by the appellant from **Tawa Criminal Case No. 133 of 2011** having been dismissed by **Makhandia J**. on 15/10/2011, the application herein for bail pending appeal serves no purpose. I dismiss the application, and also mark the appeal herein **No. 139 of 2011** as overtaken by events. I order the file to be closed.

Dated and delivered at Machakos this **14th** day of **December** 2012.

George Dulu
Judge

In presence of:-

Mr Kituku holding brief for Mrs Wambua for Appellant/Applicant

N/A for State
Mutinda – Court clerk