

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT BUNGOMA

Revision 2 of 2006

ALI MOHAMMED IDD.....APPLICANT

VS

REPUBLIC.....RESPONDENT

REVISION

By a letter dated 20th February 2006 M/S Lucy Nanzushi & Co. Advocates sought revision of the trial Magistrate's order denying bail to the accused.

The trial magistrate in his ruling made the following observation:

"..... can only mean that he is not an honest person."

That in essence, the trial magistrate had already made up his mind about the accused. Bail/bond should not have been refused.

I note that the offence is one of stealing from the person contrary to section 279 (9) of the Penal code and handling stolen goods contrary to section 322(2) of the Penal code.

In my view, the offence is bailable but the applicant should have come by way of appeal pursuant to the provisions of Section 257 of the Criminal Procedure Code.

Accordingly, I direct that the applicant comes before me by way of an appeal.

DATED and DELIVERED at BUNGOMA this 8th day of March 2006.

N.R.O. OMBIJA

JUDGE