

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA

AT MOMBASA

Criminal Appeal 110 of 2006

IDAHA KATUMO APPLICANT

- Versus -

REPUBLIC RESPONDENT

Coram: Before Hon. Justice L. Njagi

Mr. Kanyi for the appellant

Ms Mwaniki for the Republic

Court clerk – Kinyua

R U L I N G

This matter does not seem to fall under the Community Service Orders Act but under the Probation of Offenders Act.

The appellant herein was placed on probation for six months on 29th March, 2006. This meant that if during 6 months from that date she misbehaved or failed to obey any of the provisions of the probation order, she would be brought again before the court and punished for the offence for which she was placed on probation. She was explicitly ordered, inter alia, to be of good behaviour during the period of the probation, and to reside at a place known to the Probation Officer. By absconding from the court's jurisdiction without knowledge of the probation officer, she has misconducted herself and breached the condition that she should reside at a place known to the probation officer. This court and the lower court are administering one and the same system of justice and not parallel systems. The appellant is in a breach of a court order.

I therefore direct that the hearing of this appeal be stood over pending the enforcement of the warrant of arrest on her.

It is so ordered.

Dated and delivered at Mombasa this 11th day of September, 2006

L. NJAGI

JUDGE