

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NYERI
Criminal Appeal 41 of 2005

HENRY KIUNGA MIKIAO.....APPLICANT/APPLICANT
VERSUS
REPUBLIC.....RESPONDENT

(Appeal from the original conviction and sentence in Criminal Case No.737 of 2003 in the Senior Resident Magistrate's Court at Nanyuki by P.C. Tororey – SRM)

R U L I N G

Henry Kiunga Mikiao hereinafter referred to as the applicant has come to this court under Section 357(1) of the Criminal Procedure Code seeking bail pending the hearing of his appeal which He has filed against his conviction and sentence by the Senior Resident Magistrate Nanyuki for the offence of Handling Stolen Stock Contrary to Section 322(2) of the Penal Code. It is contended that the applicant's appeal has overwhelming chances of success and that the applicant is likely to serve a substantial part of the sentence unless He is released on bail pending the hearing of his appeal.

I have perused the proceedings and judgment of the trial court as well as the applicants grounds of appeal I cannot at this stage concur that the appeal has overwhelming chances of success nor do I find any other compelling reason or hardship that would justify the release of the applicant pending the hearing of his appeal. I do therefore find no merit in the application and reject the same.

Dated, signed and delivered this 30th day of May 2005.

H. M. OKWENGU
JUDGE