

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CIVIL CASE NO. 62 OF 2002

**PETER MWANGI NDEGWA.....APPLICANT
VERSUS
REPUBLIC.....RESPONDENT**

R U L I N G

The applicant is the accused in criminal cases nos.2414 of 2001 and 2415 of 2001 wherein he is charged with the offences of obtaining by false pretences c/s 313 of the penal code. Although the original record shows that the applicant was given bond terms, the same were cancelled when it transpired that he had jumped bail in another case – criminal case No.734/00. There is now an application before me seeking order to re-instate the cancelled bond terms, consolidate the two cases and reduce the bail granted.

I have read the ruling of the learned Chief magistrate in criminal case No. 2414 of 2001. The reasons given by the learned Chief magistrate for the cancellation of bond can only be challenge in an appeal and not an application such as the one presented to this court by the applicant. I am therefore unable to address the prayer of the applicant in that regard. The two charges did not arise out of the same transaction. There is a time difference of three years in terms of the alleged commission of the offences. The witnesses are different. Consolidation is not suitable.

The end result is that this application is dismissed.
Order accordingly.

Dated and delivered at Nairobi this 28th day of February 2002
A. MBOGHOLI MSAGHA
JUDGE

Mr Monda for the state

Applicant in person