

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NYERI

HIGH COURT CRIMINAL APPEAL NO. 397 OF 2003

BENEDICT THEURI KANYONI APPELLANT
VERSUS
REPUBLIC RESPONDENT
R U L I N G

Benedict Theuri Kanyoni (hereinafter referred to as the applicant) was tried and convicted by the Principal Magistrate Kerugoya for the offence of obtaining by false pretences contrary to section 313 of the Penal Code. He was sentenced to pay a fine of Kshs.50,000/= or in default to serve one year imprisonment. The Applicant now seeks bail pending appeal. A copy of the memorandum of appeal has been availed and it is the contention of the Applicants advocate that the appeal has high chances of success.

I have perused the proceedings and judgment of the lower court vis a vis the memorandum of appeal and find that whereas the appeal may be an arguable appeal, it cannot be said that has overwhelming chances of success.

The applicant has further not shown any other compelling reason why bail pending appeal ought to be granted.

In the circumstances this application fails and is therefore dismissed.
Orders accordingly.

H. M. OKWENGU
JUDGE
12/2/03

Dated signed and delivered in the presence of Nderi Holding brief for Applicant.

H. M. OKWENGU
JUDGE
12/2/03