

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL APPLICATION NO. 80 OF 2002

OHN KINGARA NJUGUNA.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

R U L I N G

The applicant was convicted of the offence of robbery with violence c/s 296(2) and sentenced to the mandatory sentence of death. He has filed an appeal against both the conviction and sentence.

There is before me an application by way of Chamber Summons for the applicant to be released on bail pending the hearing of the appeal.

I have listened to arguments by both sides. I do not deem it necessary to make any findings thereon at this state.

The appeal filed by the applicant has been admitted to hearing. It will be heard by two Judges. Instead of appearing to suggest to the court going to hear the appeal what the outcome should be, the applicant's appeal shall be listed for hearing as soon as the call over may be prepared.

For now this application is dismissed.

Order accordingly.

Dated and delivered at Nairobi this 21st day of February, 2002.

A. MBOGHOLI MSAGHA

JUDGE