

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI (NAIROBI LAW COURTS)

Criminal Appli 412 of 2001

ANGELUS MAINA MWANGI

APPLICANT

VERSUS

REPUBLIC RESPONDENT

RULING

Angelus Maina Mwangi (the applicant) seeks in this Chamber Summons filed on 13.6.2001 to have his court bond, issued in Kibera Principal Magistrate's Court, Criminal Case No.2979 of 2000, reinstated. He had been released on a bond of Shs.100,000 with one surety of a similar amount. His case was due to be heard on 24th April, 2001 in court No.1 Kibera Law Courts. He was therefore supposed to be in court on that date. However, on the 20th April, 2001, he was arrested for another offence of obtaining money by False Pretences and remained in police custody at Buru Buru Police Station until 7th May, 2001 when he was charged in Criminal Case Nos.9308 of 2001 and 9309/2001 in Makadara Court.

He therefore could not appear in court for the hearing of his case No.2979 of 2000 on the 24th April, 2001. When he eventually appeared in court on 26th May, 2001 for mention of Cr. Case No.2979 of 2000, his court Bond was cancelled.

The applicant has tendered into court a letter dated 6th 2001 from DCIO Buru Buru to show that he was in Police Custody through from 22nd April, 2001 to 25th April, 2001.

I find that the applicant has sufficiently explained his absence from Kibera Law Courts on 24th April, 2001. Besides, the Republic through Mrs. Nyamosi, is not opposing this application.

I accordingly reinstate the applicant's bond of Shs.100,000 and one surety in Kibera Court Cr. Case No.2979 of 2000 as prayed. This ruling be typed and forwarded to the Senior Principal Magistrate Kibera to note and for filing in Criminal Case No.2979 of 2000.

It is so ordered.

A.G.A. ETYANG'

JUDGE

27.6.2001