

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI
CRIMINAL APPLICATION NO 375 OF 2001

ABDALLA CHEGE.....APPLICANT

AND

REPUBLIC.....RESPONDENT

14/6/2001

Coram: Mbogholi J

COURT

This matter is before me under Sections 362 and 364 of the Criminal Procedure Code.

The applicants herein appeared before the learned trial magistrate and undertook to execute bonds to keep peace. Their surety(ies) were approved by the court.

The learned trial magistrate however, inadvertently, omitted to specify the period for the observance of the order.

Subsequently the period was limited to 12 months. However, when the said period was being set, none of the applicants was present. That was irregular and that irregularity is incurable. Accordingly, the order of 30th January, 2001 is hereby set aside. There shall be a re-trial of all the applicants before another court of competent jurisdiction.

Orders accordingly.

Dated and delivered at Nairobi this 14th day of June, 2001

A.MBOGHOLI MSAGHA

JUDGE