



REPUBLIC OF KENYA



**Kabithi & another v Republic (Criminal Revision E272 of 2024)
[2025] KEHC 8390 (KLR) (17 June 2025) (Ruling)**

Neutral citation: [2025] KEHC 8390 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
CRIMINAL REVISION E272 OF 2024
RN NYAKUNDI, J
JUNE 17, 2025**

BETWEEN

SAMUEL MWANGI KABITHI 1ST ACCUSED

ANN NYAMBURA WAIRIMU ALIAS JANE MUTHONI

MWANGI 2ND ACCUSED

AND

REPUBLIC RESPONDENT

RULING

1. Before this court is an application for revision pursuant to section 362 and 364 (1) of the [Criminal Procedure Code](#) Cap 75 Laws of Kenya based on the following grounds:-
 1. That the accused persons were charged on 3rd April 2020 with 10 counts of conspiracy to defraud, forgery, obtaining money by false pretences, personation and uttering false documents
 2. That the Republic through the investigating officer filed an affidavit to oppose bond. Majority on the reasons that the accused persons were likely to abscond court and that they are flight risk as they had forged identifications in different names.
 3. That the trial court granted them a bond of ksh. 100,000 and an alternative cash bail of kshs. 30,000/=
 4. That the accused persons paid a cash bail of kshs. 30,000/=
 5. That the accused persons jumped bail and warrant of arrest were issued and subsequently cash bail was forfeited to the state



6. That the investigating officer was summoned to inform the court of the efforts he has taken to arrest the accused persons
7. That on 14th September, 2021 the investigating officer attended court and informed the court that he was yet to arrest the accused persons, he sought for more time to arrest them.
8. That the court granted the investigating officer two months and fixed the matter for mention on 16th November, 2021
9. That later on 4th September 2021 the investigating office spotted 2nd accused at a car wash in town and arrested her
10. That the investigating officer brought the 2nd accused to court and the court file was placed before the trial Magistrate
11. That the 2nd accused through her advocate made an application that the warrants of arrest be lifted and that she can be granted another bond term and further, presented medical documents from MTRH dated 12th August 2021 as proof that the accused was unwell
12. That the Republic opposed that application and prayed that the 2nd accused should not be granted bond as she had abused the bond terms granted before
13. That the Republic further asked for an order that the investigating officer authenticates the medical document presented to court by the 2nd accused
14. That the trial Magistrate made a ruling the 2nd accused be released on a cash bail of ksh. 40,000/= and fixed the matter for hearing on 16th November 2021
15. That the Republic is apprehensive that the orders issued on 14th September 2021 will affect the case as the accused is likely to jump bail again and that the 1st accused is still at large
16. That the new bond terms were too lenient and that the trial court would not have granted other bond terms

Decision

2. This application has been considered pursuant to section 362 and 364 (1) of the *criminal procedure code* cap 75 laws of Kenya and it's the finding of this court that same lacks merit. It is therefore dismissed and the file marked as closed
3. It is ordered.

SIGNED, DATE AND DELIVERED AT ELDORET THIS 17TH DAY OF JUNE 2025

R. NYAKUNDI

JUDGE

Representation

M/s Sidi for the State

