



**Xiangzhong v Republic (Criminal Appeal E177 of 2023)
[2023] KEHC 18885 (KLR) (16 June 2023) (Ruling)**

Neutral citation: [2023] KEHC 18885 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
CRIMINAL APPEAL E177 OF 2023**

**DR KAVEDZA, J
JUNE 16, 2023**

BETWEEN

CHEN XIANGZHONG APPLICANT

AND

REPUBLIC RESPONDENT

RULING

- 1 For determination is a notice of motion dated June 2, 2023 which is brought pursuant to section 356 (1) of the *Criminal Procedure Code*, articles 48, 49 and 50 of *the Constitution* of Kenya and the Bail and Bond policy guidelines of the judiciary.
2. The application is premised on the grounds on the face thereof and supported by an affidavit dated June 2, 2023 sworn by the applicant.
- 3 Having considered the application, the supporting affidavit and the applicable law, I make the following orders:
 1. The application is certified urgent.
 2. An order of stay of execution is hereby granted against the destruction of the seized goods in respect to Milimani Chief Magistrate’s Court Criminal case no. 1159 of 2019 Republic vs Chen Xiangzhong.
 3. The appellant is directed to serve the respondent with the application and this ruling on or before June 27, 2023.
 4. Upon service, the respondent is directed to file a response to the application on or before July 11, 2023.
 5. That the matter shall be mentioned on July 12, 2023.



RULING DATED AND DELIVERED AT NAIROBI THIS 16TH DAY OF JUNE 2023.

D. KAVEDZA

JUDGE

