

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT BUSIA

CRIMINAL REVIEW NUMBER 75 OF 2020

SOSPETER WAFULA MNJANJA.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

R U L I N G

The applicant **Sospeter Wafula Mnjanja** is the accused in Busia Chief Magistrate's Criminal Case Number 361 of 2020 Charged with Offence of Stealing Contrary to Section 268 (1) as read with Section 275 of the Penal Code.

He was arraigned before the Chief Magistrates. He has applied to be released on bail but his application was rejected. He then filed this application seeking review of the order on denial of bail and direct that accused be released on bail as it is a constitutional right.

The state opposes the application. Cpl John Chebii has filed a Replying Affidavit where he deponed that the accused, upon commission of the offence fled to Uganda. He depones that accused was extradited from Uganda.

I have considered the application and the Response from the investigating officer. It is clear that accused was extradited from Uganda by the assistance of Interpol to stand trial in Kenya. The fact that he was extradited from Uganda in my view still makes him a flight risk. I, therefore find that the decision by the learned trial magistrate to reject bond application was well merited and for good reason. The application for review is, therefore rejected.

Dated, signed and delivered at Bungoma this 4th day of May 2020.

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S N RIECHI

JUDGE