

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KITUI

CRIMINAL CASE NO. 2 OF 2020

REPUBLIC.....PROSECUTOR

VERSUS

MUSYOKI NDWIKI.....ACCUSED

R U L I N G

1. This court has considered the plea by the accused person to have the warrant of arrest lifted. He was late on 28th October, 2020 when the matter was scheduled for mention to find out if a counsel had been appointed and further directions regarding trial. He later turned up in court at around 11.00 am the same day and claimed that his lateness was caused by the breakdown of the vehicle he was travelling in. The ODPP opposed the lifting of the warrant of arrest but I have considered the grounds of opposition and find that the same are quite unrelated to the lateness of accused turning up in court. If the state have reasons as to why this court should cancel the bond altogether then they should make a formal application and this court will determine the issue on merit. For now though the accused person tendered no evidence to explain his lateness, this court is prepared to give him the benefit of doubt in the interest of justice.

2. He must have learnt his lesson by now but still this court hereby cautions him to ensure that he turns up in court on time whenever required an above stay clear of prosecution's witnesses. Any further breach of any of the terms will automatically lead to cancellation of his bond.

Dated, Signed and Delivered at Kitui this 3rd day of November, 2020.

R. K. LIMO

JUDGE