

REPUBLIC OF KENYA

IN THE HIGH COURT AT MILIMANI

CRIMINAL DIVISION

MISC. CR. APP. NO. 673 OF 2018

MOSES MULAVI KEYA.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

I have looked at the trial court file, being **City Court Cr. Case No. 447/2018**. It shows that the Applicant only failed to show up on the first date that the cash bail was forfeited, being **30/4/2018**. While it is not recorded that the proceedings were held in chambers, it was imputive to order a forfeiture of the cash bail on the first day that the accused failed to show up. In that case, I hold that the application is merited.

I order that the cash bail paid on **9/11/2018** vide **Receipt No. 007499** be reinstated. Consequently, cash bail paid vide **Receipt No. 007640**, dated **4/12/2018** be refunded to the payee.

The trial court file be remitted back to the trial court.

Dated and Delivered at Nairobi This 4th April, 2019.

G.W.NGENYE-MACHARIA

JUDGE.

In the presence of:

- 1. Muchiri for the Applicant*
- 2. Momanyi for the Respondent.*