



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MOMBASA
CRIMINAL APPEAL NO. 2 OF 2014

(From the Judgment and Conviction in Voi Principal Magistrate's Court Criminal Case No. 48 of 2010 – Hon. Wahome - PM)

DICKSON ORUKO NYAWINDAAPPELLANT

VERSUS

REPUBLICRESPONDENT

RULING

The Notice of Motion application dated 9th January, 2014 expressed to be brought under section 357 of the Criminal Procedure Code seeks for an order to release the appellant pending the hearing and determination of his appeal.

The grounds are that the appellant has timeously appealed.

That the appeal has overwhelming chances of success and that this was a commercial transaction and the charges should not have arisen.

Further that he had been admitted to a bond of Ksh. 50,000/= in the lower court and he had not absconded.

This court did not have the advantage of perusing the typed records of the original file but has perused the Judgment and some of the uncertified photocopied proceedings.

It is noted that the appellant was sentenced to a short imprisonment term. There is real danger of serving the whole of that term before his appeal can be heard owing to the huge backlog of cases for appeal.

It is on those circumstances that the application for bond pending appeal is granted.

He is admitted to a bond of Ksh. 250,000/= with one surety of similar amount.

Ruling delivered dated and signed this **5th** day of **February, 2014**.

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M. MUYA

JUDGE

5TH FEBRUARY, 2014

In the presence of:-

Learned State Counsel Mr. Ayodo

Learner Defence Counsels Mr. Magolo

Court Clerk Mr. Musundi