



**Migiro v Republic (Criminal Revision E025 of 2025)
[2025] KEHC 16458 (KLR) (13 November 2025) (Ruling)**

Neutral citation: [2025] KEHC 16458 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MERU
CRIMINAL REVISION E025 OF 2025
HM NYAGA, J
NOVEMBER 13, 2025**

BETWEEN

JAMES OBAI MIGIRO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. This Ruling relates to an application dated 29 05 2025 in which the Applicant seeks the following orders: -
 - I. Spent.
 - II. That the honorable court be pleased to revise the decision of the trial court made on 5th April, 2024 and admit the Applicant to fresh bond terms pending the hearing and determination of the trial case; Garbatulla Sexual Offence No. E004 2024.
 - III. That the honorable court be pleased to issue any other orders in the interest of justice.
2. The application is propped by the grounds set out on the face of it and the Applicant's affidavit sworn on even date.
3. The gist of the Applicant's case is that he had been charged at Garbatulla Court in Sexual Offence Case No. E004 of 2022. That the trial court suspended the Applicant's bond on 5th April 2024 and ordered that he remains in custody pending the hearing and determination of the said case.
4. The Appellant avers that in cancelling his bond terms, the court failed to consider that his absence was not deliberate as he had forgotten about the dates he was due to go to the court.
5. The Applicant further avers that there were no compelling reasons adduced to necessitate a complete denial of bond.



6. The Applicant urged the court to issue stringest bond terms in place of the total denial of bond.
7. The application was opposed by the prosecution.
8. The prosecutor's case is that the Applicant was released on relatively easy bond terms and he was in court where the matter was fixed for hearing on 30 11 2023. That come this date, the Applicant did not show up for the trial. That several mentions were fixed to confirm the attendance of the Applicant. That his surety did not attend court despite the summons issued to him. That the Applicant was subsequently arrested and presented before the trial court on 05 04 2024 and upon his arrest, the surety applied for his discharge, which prayer was allowed.
9. It is stated that the Applicant has not given good reasons for his failure to attend court, which led to a halt of the case against him.
10. This court's powers of revision emanate from Article 165 of *akn ke act 2010 constitution the Constitution* which states as follows;
 165. "(6) The High Court has supervisory jurisdiction over the subordinate courts and over any person, body or authority exercising a judicial or quasi-judicial function, but not over a superior court.
 - (7) for the purpose of clause (6), the High Court may call for the record of any proceedings before any court or person, body of authority referred to in clause (6), and may make any order or give any direction it considers appropriate to ensure the fair administration of justice."
11. Further Section 362 of the CPC provides as follows: -

"The High Court may call for and examine the record of any criminal proceedings before any subordinate court for the purpose of satisfying itself as to the correctness, legality or propriety of any finding, sentence or order recorded or passed, and as to the regularity of any proceedings of any such subordinate court."
12. This court's powers are thus designed to cure any irregularity in any proceedings and orders of a subordinate court of tribunal.
13. The question that arises is whether there was any illegality or irregularity in the orders of the trial court in cancelling the Applicant's bond terms.
14. A look at the trial court confirms as stated by the prosecutor, that the Applicant was released on very lenient bond terms, despite the gravity of the offence.
15. The trial court record further shows that the Applicant was aware of the date fixed for hearing. He did not turn up, for a period of 6 months. His explanation that he forgot the dates is not acceptable. He was fully aware that he had a case in court. Nothing prevented him from going to the court to seek information about his case.
16. In my view, there was no illegality or irregularity in the manner in which the trial court handled the case. The Applicant was given a chance to explain his absence, which was found to be unsatisfactory. This court cannot fault the trial court.
17. For the forgoing reasons I find that the application is wanting in merits and it is dismissed.
18. The Applicant is to remain in remand custody until the finalization of the trial or if at the discretion of the trial court, the bond terms are reinstated.



19. Orders accordingly.

SIGNED, DATED AND DELIVERED AT MERU THIS 13TH DAY OF NOVEMBER, 2025.

H. M. NYAGA

JUDGE

