



REPUBLIC OF KENYA



KENYA LAW
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**Tarbei v Republic (Criminal Revision E031 of 2025)
[2025] KEHC 5164 (KLR) (29 April 2025) (Ruling)**

Neutral citation: [2025] KEHC 5164 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL REVISION E031 OF 2025**

DR KAVEDZA, J

APRIL 29, 2025

BETWEEN

MESHACK KIPLETING TARBEI APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant is currently facing multiple criminal charges before various subordinate courts in Nairobi and Kiambu Counties, including Kibera, Milimani, Dagoretti, and Ruiru. Vide a Notice of Motion dated 17th March 2025, the Applicant seeks revision of the ruling delivered on 3rd February 2025 in Kibera Chief Magistrate's Court Criminal Case No. E003 of 2025. The Applicant further prays for consolidation of Kibera Criminal Case Nos. E002, E004, E006, E007, E008, E029, E048, and E076, all of 2025, and the imposition of unified and reasonable bail/bond terms.
2. The application is supported by an affidavit sworn by the Applicant on 17th March 2025 and a supplementary affidavit dated 24th April 2025. It is averred that the continued denial of bail and the failure to consolidate the charges offend the constitutional right to the presumption of innocence. The Applicant relies on a favourable probation report and notes that bail has only been granted in Case No. E002 of 2025. He therefore prays this Honourable Court to revise the impugned ruling, consolidate the aforementioned cases, and impose reasonable and uniform bail/bond terms.
3. The applicant asks the court to exercise powers of revision conferred on the court by article 165 (6) and (7) of the 2010 Constitution of Kenya and sections 362 and 364(1)(b) and 2 of the *Criminal Procedure*



Code (Cap 75) Laws of Kenya. Article 165 (6) and (7) clothe the High Court with supervisory powers over subordinate courts in the following terms:

“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 purposes of clause (6), the High Court may call for the record of any proceedings before any subordinate court or person, body or 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.”

4. Section 362, of the Criminal Procedure Code provides that:

“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.”

5. The applicant has sought the prayer for consolidation of the criminal cases contained in this motion. A perusal of the respective lower court files indicates that the charges relate to different complainants, different dates when the offences were allegedly committed and this may involve different investigating officers and different police stations. Therefore, it is not appropriate to consolidate these cases.

6. On the second issue, the applicant sought a consolidation of his bail/bond terms. The applicant is presumed innocent until otherwise proven. He emphasized his right to bail under article 49 of the Constitution. Bail terms are set to ensure the attendance of an accused person for his trial. Under article 49 of the Constitution, the applicant is entitled to reasonable bail terms. While there is no express provision in the Constitution or the Criminal Procedure Code specifically providing for consolidated bail terms, in appropriate cases, such order may be made in furtherance of the accused’s rights under articles 49 and 50 of the 2010 Constitution of Kenya. Each case must be considered on its merits and circumstances remembering always the presumption of innocence in favour of the applicant.

7. Having reviewed the matter before me, I am of the view that a consolidated bail/bond in respect of all cases is not prudent, in this omnibus application.

8. In the light of the foregoing, the application is hereby dismissed on account of being omnibus. The applicant is directed to file a separate applications for each case; for every case must be decided on its peculiar facts and circumstances.

Orders accordingly.

RULING DATED AND DELIVERED VIRTUALLY THIS 29TH DAY OF APRIL 2025

D. KAVEDZA

JUDGE

