



**Bwamu v Republic (Criminal Case 42 of 2023)
[2024] KEHC 1942 (KLR) (27 February 2024) (Ruling)**

Neutral citation: [2024] KEHC 1942 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL CASE 42 OF 2023
DR KAVEDZA, J
FEBRUARY 27, 2024**

BETWEEN

DENNIS BWAMU APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant filed a notice of motion dated 14th February 2024 supported by an affidavit of similar date sworn by the applicant. In his application, he prayed that this court sets aside the orders issued on 7th December 2023 cancelling his bail/bond terms. He urged the court to reinstate the bail terms previously imposed.
2. I have perused the record, and note that on 28th September 2022, Bwonong'a J (now rtd) who was hearing the matter directed that the matter would be heard on 6th, 7th and 8th March 2023. On 23rd October 2023, following the establishment of Kibera High Court, the Presiding Judge Criminal Division directed that the matter be transferred to Kibera High Court. On 31st October 2023, the matter was mentioned before the Deputy Registrar in the absence of the accused. The Deputy Registrar directed that a mention notice be issued to the accused's advocate.
3. Upon examining the court file, I found that the mention notice was not sent to the accused or their advocate. Nevertheless, the matter was mentioned on December 7, 2023, as directed by the Deputy Registrar. As a result of their absence, a warrant of arrest was issued. This oversight is not the fault of the accused. They were not informed of the court's appearance.
4. The upshot of the above is that I vacate the orders issued on 7th December 2023 issuing a warrant of arrest and cancelling the applicant's bail. The bail terms are hereby reinstated. Consequently, I direct that the matter to be mentioned virtually on 14th March 2024.

Orders accordingly.



RULING DATED AND DELIVERED VIRTUALLY THIS 27TH DAY OF FEBRUARY 2024

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D. KAVEDZA

JUDGE

