



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KERICHO

Revision 30 of 2006

BROWN INZIANI.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

ORDER ON REVISION

The applicant, Brown Inziani was charged with soliciting a bribe contrary to **Section 39 (3)(a) as read with Section 48(1) of the Anti-corruption and Economic Crimes Act (Act No.3 of 2003)**. The particulars of the offence were that while working as a police officer he solicited a bribe of Ksh.20,000/= from a suspect so that he could forebear from charging her with a criminal offence. The accused pleaded not guilty to the charge. He was released on bond of Ksh.2,000,000/= with a surety of the same amount or cash bail of Ksh.200,000/=. The applicant was aggrieved by the said order of the trial magistrate in giving him terms of bond which he claims were harsh and excessive in the circumstances of the case. He therefore pleaded with this court to revise the terms of the bond.

I have considered the plea made by the applicant. He is charged with an offence of soliciting a bribe of Ksh.20,000/=. The value of the subject matter of the said charge is Ksh.20,000/=. Although the offence which the applicant was charged with infringes on the administration of justice, in my considered view the trial court granted terms of the bond which were harsh and excessive in the circumstances. I will invoke my revisory powers as provided by **Section 362 of the Criminal Procedure Code** and set aside the said terms of bond which were issued by the trial court. I hereby substitute the order of the trial magistrate with an order of this court granting bail to the applicant on the following terms; The accused is released on his own bond of Ksh.100,000/= with a surety of the same amount or in the alternative he shall deposit a cash bail of Ksh.30,000/=.

It is so ordered.

DATED at NAKURU this 6th day of November, 2006

L. KIMARU

JUDGE



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