





information to him.

The appellant on the other hand produced documents including a report from an agricultural officer which showed that his sugarcane crops had actually been destroyed.

When this matter came up for hearing the respondent conceded to the appeal. This court finds that the said concession was justified.

The prosecution did not give the description of the parcel of land which is essential in such a charge.

Equally, there seemed to be two conflicting parcels namely **Kisumu/Sidho West/ 129** as relied on by the prosecution and **Kisumu/Sidho East/379** as clearly demonstrated by the appellant including the production of the area map.

With these two conflicting parcel of lands nothing would have been easier for the prosecution to avail the proper parcel of land. It is therefore most probable that the sugarcane allegedly destroyed were in the portion of land as submitted by the appellant.

Without going into other issues raised by the appellant this appeal ought to succeed. The same is hereby allowed, the appellant set free and the sureties discharged.

**Dated, signed and delivered at Kisumu this 27th day of January, 2014.**

**H.K.  
JUDGE**

**CHEMITEI**