



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MERU

HCCRA NO. 105 OF 2009

ABDUB BONAYA BALO.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

LESIIT J.

(From the original conviction and sentence in Criminal Case No. 101 of 2009 of the Senior Resident Magistrate court

at Marsabit Hon Mr. J. Kiarie).

JUDGEMENT

The appellant ABDUB BONAYA BALO was committed on his own plea of guilty to two counts of robbery with violence contrary to section 296(2) of the Penal Code. He was aggrieved by the convictions and sentence and therefore filed this appeal.

The application has raised five grounds of appeal which are:

- 1. That, the learned trial magistrate erred in law when he failed to comply with provisions of section 198 CPC laws of Kenya.**
- 2. That the learned trial magistrate erred in law when he failed to explain the substance of the**

charge to the appellant as law requires in section 207(1) of the CPC.

3. That the trial magistrate erred in facts when he failed to caution the appellant upon the seriousness of the charge.

4. That the trial magistrate erred in both law and facts when he failed to put the second count in abeyance.

5. That the appeal here has been drafted without the lower court proceedings hence I pray to be served with the same to enhance me draft further firm supplementary grounds of appeal.

Dated Signed and delivered at Meru this 24TH day of March 2011

LESIIT, J

JUDGE