



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT EMBU**

**Criminal Appeal 7 of 2006**

**PAUL GACHANJA.....APPELLANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**JUDGMENT**

The state does not support conviction and Judgment in the lower court the evidence was not supportive of the conviction. He was not identified. The state counsel therefore concedes this appeal. Mr. Gacheru agrees with the state counsel that the Trial Magistrate misdirected himself in reaching his Judgment (see J 6, line 24.)

In the circumstances I find that the appeal must be allowed. I quash conviction and set aside Judgment. The Appellant shall be set at liberty forthwith unless otherwise lawfully held.

It is so ordered.

**J. N. KHAMINWA**

**JUDGE**

**15/5/2008**

**Khaminwa – Judge**

**Njue- Clerk**

**Mr. Omwega for Republic**

**Appellant not present**

Read in open court.

**J. N. KHAMINWA**

**JUDGE**