

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU
CRIMINAL APPEAL 155 OF 2007

SIMON MAINA NGURE.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

JUDGMENT

The appellant in this case pleaded guilty to the charge of burglary and stealing and was convicted and sentenced to five years imprisonment on the first limb and three years imprisonment on the second limb. The language used was however not stated. I therefore agree with Mr. Mugambi that the plea cannot be said to have been unequivocal. I therefore allow this appeal, quash the conviction and set aside the sentence. The appellant shall be set free forthwith unless otherwise lawfully held.

DATED and delivered at Nakuru this 4th day of July 2008.

D. K. MARAGA

JUDGE