

REPUBLIC OF KENYA

HIGH COURT OF KENYA AT NAIROBI (MILIMANI LAW COURTS)

CIVIL APPEAL 334 OF 2003

(Appeal from the Judgment of Chief Magistrate Mrs. H. A. Omondi delivered on 24.1.2003 in CMCC No.3445 of 2002 Milimani Chief Magistrate's Court)

KENYA SHIELD SECURITY LIMITED P.LAINTIFF

VERSUS

DISMASS MAUTI SANGAE 1ST DEFENDANT

ATTORNEY GENERAL OF KENYA..... 2ND DEFENDANT

FAMILY LIFE COUNSELLING ASSOCIATION OF KENYA.....3RD DEFENDANT

JAMES MUNDIA 4TH DEFENDANT

JUDGMENT

The Appellant was dissatisfied with the judgment dated 24th January, 2003 and has told the court that he is appealing against the whole of the said judgment and has listed seven grounds of appeal. Although the appeal herein is supported by the second Respondent against whom the learned Chief Magistrate in this matter had dismissed the case, the record before the Chief Magistrate shows that the Appellant before me now did not care to appear in the subordinate court to challenge the First Respondent's case and give his version of the story.

What the Appellant is saying in this appeal through his learned counsel therefore appears to be what the Appellant was supposed to say and be cross-examined upon before the trial magistrate and that being the position, I have nothing from the mouth of the Appellant or his counsel in the subordinate to compare with what they are telling me now. As such, I cannot justifiably see the errors and the misdirections which the Appellant is alleging against the learned Magistrate in relation to the Appellant's case.

In the circumstances, I do not find merits in the Appellant's appeal herein and do dismiss the appeal in its entirety.

Dated and delivered at Nairobi this 5th day of December, 2007.

J. M. KHAMONI

JUDGE