

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU
Criminal Revision 87 of 2006

MARGARET WANGECHI NYOKABI.....
.....APPLICANT

VERSUS

REPUBLIC.....
....RESPONDENT

RULING

20.7.2006

This matter coming up for revision under section 364 of the CPC and upon considering the charge against the applicant, the evidence on record and the provisions of the section 24 of the children Act 2001, the trial magistrate was in error by finding the applicant guilty of kidnapping her own minor children when the Act gives her equal rights as the complaint over the children.

Accordingly I hereby quash the conviction and sentence passed against the applicant and order the applicant to be released forthwith unless otherwise lawfully held.

Ruling read and signed on 20th July, 2006

MARTHA KOOME

JUDGE

20.7.2006