

REPUBLIC OF KENYA

JOHN KINYUA GATONGU.....APPELLANT
VERSUS
REPUBLICRESPONDENT

JUDGMENT

In the circumstances that the State Counsel does not support the conviction and sentence. I have considered the submission of Counsel, the grounds of appeal argued and the inconsistencies of PW1.

I now allow the appeal and quash conviction and set aside sentence. The Appellant shall be released forthwith.

Dated on this 17th day of July, 2006.

J.N. KHAMINWA

JUDGE