

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT KAKAMEGA

Criminal Appeal 169 of 2005

(Appeal against both conviction and sentence of the Senior Resident Magistrate's court at Mumias in Misc. Criminal Application No.1 of 2005 (Ms P. K. Sultan, SRM))

MICHAEL MASHERE APPELLANT

V E R S U S

REPUBLIC RESPONDENT

J U D G E M E N T

On 22-4-2005, this court examined pursuant to its revisionary Powers under section 362 of the Criminal Procedure Code the conviction and sentence, meted out against the applicant, Michael Mashere, by the Senior Resident Magistrate's Court at Mumias (Ms P. K. Sultan) in SRM Misc. Application No. 1 of 2005 and made orders accordingly.

The applicant subsequently filed in the lower court what the trial court treated as an application seeking to set aside the lower court's order of 29.9.05.

On 23-11-2005, the court dismissed that application on the ground that it had no merit.

The accused has filed grounds of appeal challenging the manner in which the trial court complied with the orders made by this court in the said revision. The accused appears to say that the orders of the trial court were not in compliance with this court's orders and should therefore be set aside.

I have carefully perused the record and the grounds put forward as grounds of appeal by the applicant which are clearly submissions. They do not disclose any basis for a legitimate attack against the Ruling of the trial court.

The applicant does not show any legitimate complaint capable of constituting a basis for appeal such as is herein. I see no evidence in the record to show that the revisionary orders were not complied with. This is the only issue for consideration. In the premises, the purported appeal is clearly without merit and I dismiss it.

Delivered, dated and signed at Kakamega this 28th day of September, 2006.

G. B. M. KARIUKI

J U D G E