

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA

AT NYERI

CRIMINAL APPEAL 53 OF 2002

PETER NJUE KARIUKIAPPELLANT

VERSUS

REPUBLICRESPONDENT

(An appeal from the judgment of N.M. Kiriba, Senior Resident Magistrate, dated 17th January, 2001;

In

Criminal case No. 2256 of 2001 of the Principal Magistrate's Court, Kerugoya.)

JUDGMENT

The learned Provincial State Counsel Mr. Charles Orinda, conceded this appeal citing the fact of confused and indecipherable record of the evidence at the trial. He added that the prosecution failed to produce some important documents like the P.3 and that there ought to have been no conviction of the Appellant.

As we have no reason to disagree, this appeal is hereby allowed. Conviction of the Appellant quashed and the sentence imposed upon the Appellant set aside. We order that the Appellant be set at liberty forthwith unless lawfully detained in some other cause.

Dated this 26th day of September, 2006.

J.M.KHAMONI

JUDGE

H.M. OKWENGU

JUDGE