



**IN THE HIGH COURT OF KENYA AT NYERI**

**HCCR APP. NO. 113 OF 2003**

**HANNAH NJERI MAIMBA .....APPELLANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

***(Appeal from the conviction and sentence in Criminal Case No. 1975 of 2001 in the Senior Principal Magistrate's Court at Murang'a by L. Nafula DM II on 5***

***th***

***July 2002)***

**J U D G M E N T**

It being apparent from the proceedings that the trial in the Lower Court was a nullity as it was conducted by a police constable who is not competent as provided under Section 85 (2) of Criminal Procedure Code the appeal is hereby allowed. The conviction and sentence are hereby set aside.

Those shall be the orders of this court.

**H. M. OKWENGU**

**JUDGE**

**13/01/05**