



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

**CRIMINAL APPEAL NO. 44 OF 2003**

**AMOS MWANIKI MUCHUNGU.....APPELLANTS**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**JUDGMENT**

The learned State Counsel Mr. Omwega having conceded the appeal on the ground that the prosecution of the Appellant was a nullity, the appeal is hereby allowed. The conviction of the Appellant quashed and the sentence imposed upon him set aside. The Appellant set at liberty forthwith unless lawfully detained in some other cause.

Dated this 4th Day of March 2004.

**J.M. KHAMONI**

**JUDGE**