

IN THE HIGH COURT OF KENYA AT EMBU

CRIMINAL APPEAL NO. 3 OF 2003

THOMAS AMBATSA NAMURE.....APPLICANT

VERSUS

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VERSUS

REPUBLIC.....RESPONDENT

3/3/04

JUDGMENT

This was a case which was poorly handled during the prosecution, evidence poorly recorded or the prosecution badly done. The evidence adduced did not prove the case against the Applicant beyond any reasonable doubt.

The learned state counsel Mr. Omwenga concedes the appeal. Accordingly, the appeal is allowed. The Appellant's conviction quashed and the sentence thereon set aside.

The Appellant be set at liberty forthwith unless lawfully detained in some other cause.

Dated this 4th Day of March 2004.

J.M. KHAMONI

JUDGE