

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISII
CRIMINAL APPEAL NO.262 OF 2003

(From original conviction and sentence in criminal case No.1067 of 2003 of the SRM's
court at Homa Bay.)

SILAS OUMA ONYANGO ODILA APPELLANT

VERSUS

REPUBLIC RESPONDENT

JUDGMENT:

Appellant was convicted and sentenced on his own plea of guilty for the offence of giving false statements for Register of Births and Deaths and marriage c/s 363 Penal Code. He was imprisoned for 2 years.

The State Counsel conceded the appeal and stated the facts did not support the charge. I quite concur. The facts do not support a charge under s.363 of the Penal Code. Appellant did not give false statement on matters required to be registered in the Registrar of births, deaths and marriages.

I therefore allow the appeal and quash both the conviction and sentence. Accused be set at liberty.

Dated and delivered on 27th May 2004.

KABURU BAUNI
JUDGE
27/5/04