



IN THE HIGH COURT OF KENYA  
AT MOMBASA  
APPELLATE SIDE  
CRIMINAL APPEAL NO. 414 OF 2001

(From Original Conviction and Sentence in Criminal Case No.716 of 2000 of the Chief Magistrate's Court at Voi – E.K. Mwaita, Esq. – DM.II Prof.)

JOSEPH KANG'ETHE.....APPELLANT  
=V E R S U S=  
REPUBLIC.....RESPONDENT

J U D G M E N T

In the circumstances and upon hearing submissions of counsel, I declare the trial a nullity since the State does not ask for a retrial

I quash conviction and set aside the sentence in both counts.

I order the Appellant to be set free forthwith unless otherwise lawfully held.

**Dated at Mombasa this 3rd day of May, 2004.**

**JOYCE KHAMINWA**

**J U D G E**