



**REPUBLIC OF KENYA**

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

**CRIMINAL DIVISION**

**CRIMINAL APPEAL NO.1303 OF 2002**

**(From Original Conviction and Sentence in Criminal Case  
No.2540 of 2002 of the Chief Magistrate's Court at Nairobi)**

**AMIN MOHAMED KHAN..... APPELLANT  
VERSUS  
REPUBLIC..... RESPONDENT**

**JUDGEMENT**

The appellant has appealed against his conviction and sentence in Cr. Case No.2590/02 wherein he was sentenced to 2 years imprisonment by the Nairobi Senior Principal Magistrate Mr. Indeche. At the time of arguing this appeal the state conceded to the appeal. I have carefully studied the lower Courts proceedings.

I have no reason to disagree with the learned state counsel that the appeal should not succeed from my perusal of the lower court's proceedings I am satisfied that the trial magistrate should have given the appellant the benefit of doubt in this case. I therefore allow this appeal and quash the appellant's conviction. The appellant will be set at liberty unless he is lawfully held. Order accordingly.

**R.M. MUTITU  
JUDGE**

**Delivered, dated and signed in open court in the presence of Mr. Monda for the state and in the presence of the appellant.**

**R.M. MUTITU  
JUDGE  
11/4/2003**