



**REPUBLIC OF KENYA**  
**IN THE COURT OF APPEAL**  
**AT NAIROBI**

**CRIMINAL APPEAL NO. 158 OF 2001**

**BETWEEN**

**JOHN OCHIENG WAGUNDA .....APPELLANT**  
**AND**  
**REPUBLIC .....RESPONDENT**

**(Appeal from a judgment of the High Court of Kenya at  
Nairobi (Oguk J) dated 22nd June, 1994**

**in  
H.C.Criminal Rev. No. 20 of 1994)**

**\*\*\*\*\***

**Between**

**John Ochieng Wagunda .....Appellant**  
**And**  
**Republic .....Respondent**

**In Court this 19th day of July, 2002**  
**Before: the Honourable Mr. Justice Omolo, a Judge of**  
**Appeal, the Honourable Mr. Justice Tunoi, a**  
**Judge of Appeal,**  
**and the Honourable Mr. Justice O'Kubasu, a Judge of**  
**Appeal,**

**ORDER**

**THIS APPEAL coming up for hearing on the 15th day of July, 2002 AND UPON HEARING M.O.N. Odero, Esq., Counsel for the appellant and J.N. Nyamosi (Miss), Esq., Counsel for the respondent, when the appeal was stood over for judgment and this appeal coming up for judgment this day IT IS ORDERED that this appeal be and is hereby allowed set aside the orders made by the magistrate and confirmed by the superior court. IT IS FURTHER ORDERED that if the fine of KShs.1,400/- was paid by the appellant that money must be refunded to him.**

**GIVEN under my hand and the Seal of the Court at Nairobi the 19th day of June, 2002.**

**W. OUKO  
REGISTRAR**

**Extracted on 19th July, 2002.**

**I certify that this is a true copy of this original.**

**REGISTRAR**