

IN THE HIGH COURT OF KENYA AT NYERI
HIGH COURT CRIMINAL APPEAL NO. 367 OF 2001
(ORG. SRM KERUGOYA CR.C. 677/2001)

SIMON MAINA MWANGI APPELLANT

VERSUS

REPUBLIC RESPONDENT

JUDGMENT

Although there has been no appearance for the Appellant, the learned State Counsel Mr. Obuo concedes the appeal on the ground that there was no corroboration of the unsworn evidence of PW 1, the Complainant. That is indeed so.

Accordingly, this appeal is allowed. The conviction of the Appellant quashed and the sentence set aside. The Appellant be set at liberty forthwith unless lawfully detained in some other cause.

Dated this 31st day of July 2003.

J.M. KHAMONI

JUDGE