



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT MOMBASA**  
**CRIMINAL APPEAL NO. 191 OF 1991**

**ANDREW KIOKO ..... 1ST APPELLANT**  
**VERSUS**  
**REPUBLIC ..... RESPONDENT**  
**CONCOLIDATED WITH**  
**CRIMINAL APPEAL NO.203 OF 1991**  
**PETER NYABUTO ..... 2ND APPELLANT**  
**VERSUS**  
**REPUBLIC ..... RESPONDENT**  
**CONCOLIDATED WITH**  
**CRIMINAL APPEAL NO.204 OF 1991**  
**JOHN NTHEI ..... 3RD APPELLANT**  
**VERSUS**  
**REPUBLIC ..... RESPONDENT**  
**CONCOLIDATED WITH**  
**CRIMINAL APPEAL NO.288 OF 1991**

**DAVID MAINA ..... 4TH APPELLANT**  
**VERSUS**  
**REPUBLIC ..... RESPONDENT**  
**JUDGMENT**

The appellants were convicted of Go-down Breaking and Stealing contrary to Section 306 (a) Penal Code and were each sentenced to serve two years imprisonment plus two strokes of the cane. They appealed against both conviction and sentences.

The appeals were admitted to hearing on 15th July 1991 but were not prosecuted. Sentences have been served.

Appeals are hereby dismissed.

**Dated and delivered at Mombasa this 22nd July 2003.**  
**A.G.A. ETYANG**  
**JUDGE**