



**IN THE HIGH COURT OF KENYA**  
**AT MOMBASA**  
**CRIMINAL APPEAL NO.360 OF 2002**

**(Being an appeal from original conviction and Sentence in Criminal Case  
No.3434 of 2001 of the Chief Magistrate's Court at Mombasa )**

**JOSEPHINE MATIHA .....APPELLANT**

**VERSUS**

**REPUBLIC ..... RESPONDENT**

**J U D G M E N T**

Appellant's appeal against conviction and sentence is allowed as the prosecution was conducted by unauthorised public prosecutor.

The appellant as on 1st June 2003 released on Presidential amnesty despite having committed a serious offence. However, no retrial is ordered.

**Dated and delivered at Mombasa this 29th September 2003.**

**A.G.A. ETYANG**

**JUDGE**