

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MOMBASA
CRIMINAL APPEAL NO.1 OF 2003

**(Being an appeal from original conviction and Sentence in Criminal Case
No.2883 of 2002 of the Resident Magistrate's Court at Mombasa)**

SAMMY KARANIAPPELLANT

VERSUS

REPUBLIC RESPONDENT

J U D G M E N T

Appellant's appeal against conviction and sentence is allowed due to the fact that prosecution was conducted by unauthorised public prosecutor. On the issue of a retrial, appellant was found with 4 rolls of Bhang and has served about nine months in prison. This is enough punishment. I decline to order a retrial. Appellant be released from prison forthwith unless he is lawfully held.

Dated and delivered at Mombasa this 29th September 2003.

A.G.A. ETYANG

JUDGE