

IN THE HIGH COURT OF KENYA AT NYERI

CRIMINAL APPEAL NO. 250 OF 1995

(From original conviction and sentence in D.M.'S Criminal Case No.

351 of 1995 P.K. KARIUKI –D.M II)

JOSEPH MWANGI MUTHEEAPPELLANT

VERSUS

REPUBLICRESPONDENT

J U D G M E N T

The trial in the lower court was a nullity as it was conducted by an incompetent prosecutor. On this ground the appeal is allowed and conviction quashed.

No order for retrial will be made as the Appellant has already served the sentence.

Dated Signed and Delivered at Nyeri this 3rd day of December, 2003

H.M. OKWENGU

JUDGE