

IN THE HIGH COURT OF KENYA AT NAIROBI

APPELLATE SIDE

HIGH COURT CRIMINAL APPEAL NO. 126 OF 2002

**FROM ORIGINAL CONVICTION (S) AND SENTENCE(S) IN
CRIMINAL CASE NO. 224 OF 2001 OF THE CHIEF MAGISTRATE'S**

COURT AT NAIROBI

FRANCIS KARIUKI KINGORI.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

J U D G M E N T

The learned counsel for the Republic concedes this appeal and with respect I agree. Two transactions emerge in the whole case. A contract between the appellant and Muranga Bookshop on the one hand and Muranga Bookshop and Kenya Literature Bureau on the other.

Those two are independent of the other. Consideration having passed theft could not be attribute to the appellant. A recourse is in civil jurisdiction.

This appeal is therefore allowed, conviction quashed and sentence set aside. The appellant shall be released forthwith unless otherwise lawfully held.

Order accordingly.

Dated and delivered at Nairobi this 27th day of February, 2002

MBOGHOLI MSAGHA

JUDGE