

IN THE HIGH COURT OF KENYA

AT MOMBASA

APPELLATE SIDE

CRIMINAL APPEAL NO.538 OF 2000

(Being an appeal from Original Conviction and Sentence in Criminal Case No. M.5530 of 1999 of the Chief Magistrate's Court at Mombasa –A.W.

Ngugi, RM)

JOEL MURIITHI KARANI APPELLANT

VERSUS

REPUBLIC RESPONDENT

JUDGMENT

In the view of the submissions of the State Counsel and in view of the submissions that there is no evidence by the Advocate for Appellant and upon perusal of authorities and the record I am of the opinion that the Trial Magistrate relied on unsafe evidence to convict. The offence was not proved beyond reasonable doubt. I therefore allow the appeal.

The J. KHAMINWA

COMMISSIONER OF ASSIZE

appellant shall be set at liberty forthwith unless held for other lawful reasons.

Dated at Mombasa this 14th Day of March, 2002.

J. KHAMINWA

COMMISSIONER OF ASSIZE

Order

The fine already paid is to be released to the appellant forthwith.

J. KHAMINWA

COMMISSIONER OF ASSIZE