

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL DIVISION

CRIMINAL APPEAL NO 704 OF 2001

From, original conviction and sentence in Cr. Case No. 4372 of 2000 of

the Chief Magistrate court at Thika

JANET KATHERA

REUBEN IMANYARA.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

J U D G M E N T

The learned counsel of the Republic concedes this appeal and with respect, I agree.

The evidence of pw3 who was a document examiner was not conclusive and if anything created doubt which should have been accorded to the appellant. Accordingly, this appeal is allowed conviction quashed and sentence set aside.

I note that the appellant paid a fine of Kshs. 15,000. I order that the same shall be refunded to her forthwith. Orders accordingly.

Dated and delivered at Nairobi this 15th day of May, 2002

A.MBOGHOLI MSAGHA

JUDGE