

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL DIVISION

CRIMINAL APPEAL NO 155 OF 2002

**(FROM ORIGINAL CONVICTION AND SENTENCE IN CRIMINAL
CASE NO 339 OF 2001 OF THE SRM'S MAGISTRATE'S COURT AT**

LIMURU)

PETER KARANJA WAKABA.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

J U D G M E N T

The learned counsel for the republic concedes the appeal and with respect. I agree. The appellant was convicted of offences of obtaining by false pretences.

The intention to defraud was never established and false pretences were not clear. A co-accused who was equally involved was acquitted and if any doubt was cast then the same should have been extended to the appellant herein.

The learned trial magistrate did not with respect comply with Section 169 of the C.P.C. relating to the contents of the judgment. The conviction was most unsafe. Accordingly, this appeal is allowed conviction quashed and sentence set aside. The appellant shall be set free forthwith unless otherwise lawfully held.

Dated and delivered at Nairobi this 25th day of July 2002

MBOGHOLI MSAGHA

JUDGE

25/7/2002