

IN THE HIGH COURT OF KENYA AT NAIROBI

APPELLATE SIDE

HIGH COURT CRIMINAL APPEAL NO. 855 OF 2001

(From Original(s) and Sentence(s) Criminal Case No 1151 of 2000 of the Chief Magistrate's Court at Gatundu.

BERNARD HUNJA MWANARU.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

JUDGMENT

The learned counsel for the Republic concedes this appeal and with respect I agree. This matter belonged to the province of civil jurisdiction not criminal.

Above all there was not sufficient evidence to sustain the conviction

Accordingly this appeal is allowed conviction quashed and sentence set aside.

Order accordingly.

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

MBOGHOLI MSAGHA
JUDGE