

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL APPEAL NO. 1372 OF 2000

FROM ORIGINAL CONVICTION AND SENTENCE IN CRIMINAL

CASE NO. 5596 OF 2000 OF THE CHIEF MAGISTRATES COURT AT

MAKADARA

SAMUEL MWANGI NDIRITU.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

JUDGMENT

The learned counsel for republic concedes the appeal and with respect I agree. The evidence adduced amounted to suspicion and nothing more. That alone cannot sustain a conviction.

This appeal is accordingly allowed conviction quashed and sentence set aside. If the fine was paid the same shall be refunded. Orders accordingly.

MBOGHOLI MSAGHA

JUDGE

11th December 2002