

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL APPEAL NO. 1154 OF 2001

**FROM ORIGINAL CONVICTION AND SENTENCE IN CRIMINAL
CASE NO. 2222 OF 2001 OF 2001 OF THE S.P. MAGISTRATE'S
COURT AT THIKA**

**JULIUS NDUNGU KARUKU.....APPELLANT
VERSUS
REPUBLIC.....RESPONDENT
J U D G M E N T**

The learned counsel for the republic rightly asks for a re-trial and with respect I agree. I do not deem it necessary to say more as this may prejudice the said retrial. The order that follows is that this appeal is allowed conviction quashed and sentence set aside.

The appellant shall be presented before the senior Principal magistrate, Thika on 13th December 2002 or as soon as a fresh charge sheet is drawn for a retrial.

Orders accordingly.

Dated and delivered at Nairobi this 10th day of December, 2002.
**MBOGHOLI MSAGHA
JUDGE**