



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**CRIMINAL APPLICATION NO.417 OF 2001**

**SIMON THUO .....APPLICANT**

**VERSUS**

**REPUBLIC ..... RESPONDENT**

**RULING**

The applicant was charged with attempted Robbery with Violence contrary to Section 297 (2) of the Penal Code. Particulars of the offence are that on 24th December, 1999 at TIEKUNU Village, Kiambu District, jointly with others not before court, and while armed with dangerous and offensive weapons, namely pangas, iron bars and rungas, attempted to rob Peter Njuguna Mwaura of his money. He was tried by the Thika Senior Resident Magistrate and convicted. On 29th May, 2000 he was sentenced to death. The applicant filed an appeal against both conviction and sentence, being Cr. Appeal No.616 A of 2000 which he is now asking to be heard and disposed off quickly because he has a serious medical problem, recorded in two medical Reports attached to his supporting affidavit. Essentially he suffered a fracture of the spine on 14.5.1996 which has led to his paralysis from the waist downwards, with other medical consequential disabilities, e.g. inability to control urine flow and sexual malfunction.

I agree with Mr. Okello that this appeal be heard quickly. For this purpose the appeal records (Cr. Appeal 616A of 2000) be placed before me for admission today and for hearing before two judges on a date we shall fix thereafter.

The applicant will be and is hereby be returned to custody.

**It is so ordered.**

**A.G.A. ETYANG'**

**JUDGE**

**25.6.2001**