



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT MOMBASA**

**APPELLATE SIDE**

**CRIMINAL APPEAL NO.128 OF 1999**

**(Being an Appeal from Original Conviction and Sentence in Criminal Case No.3601 of 1998 of the Chief Magistrate's Court at Mombasa R.M. Mbaabu,**

**RM)**

**MWACHITI MATASI ..... APPELLANT**

**VERSUS**

**REPUBLIC ..... RESPONDENT**

**JUDGMENT**

This appellant was released before his appeal came up for hearing.

This was on 12.12.2000. To date he has not bothered to pursue his appeal. On the hearing day the State Counsel made his submissions. He supported the conviction and sentence and urged the court to uphold the same.

I have perused the record and the evidence of prosecution witnesses. I have also perused the statement of the Appellant in the lower court and I am of the view that the prosecution proved case beyond reasonable doubt. The evidence was firm and strong and was not challenged by the appellant. I see no reason to interfere with the Trial Magistrate's judgment and sentence.

The appeal is dismissed.

**Dated at Mombasa this 2nd Day of September 2001.**

**J. KHAMINWA**

**COMMISSIONER OF ASSIZE**