



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

APPELLATE SIDE

HIGH COURT CRIMINAL APPEAL No. 249 OF 2000

(From Original Conviction(s) and Sentence(s) Criminal Case No. 3360 of

1999 Chief Magistrates Court at Thika

DAVID MUCHOKI NJERI.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

J U D G M E N T

The learned counsel for the Republic concedes this appeal and with respect I agree. The offence with which the appellant was charged required corroboration on all material particulars. This was not provided by the prosecution witnesses.'

The defence advanced by the appellant though plausible was never addressed by the learned trial magistrate. The conviction was most unsafe. Accordingly, this appeal is allowed conviction quashed and sentence set aside.

The appellant shall be set free forthwith unless otherwise lawfully held.
Dated and delivered at Nairobi this 21st day of November, 2001

**A.
JUDGE**

MBOGHOLI

MSAGHA