

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
APPELLATE SIDE
CRIMINAL APPEAL NO. 233 OF 1998

**(From Original Conviction(s) and Sentence(s) in Criminal case NO. 3190 of
1997 of the Chief Magistrates Court at Thika: E.O Awino Esq.)**

JAMES GITAU KAMANDE.....APPELLANT
VERSUS
REPUBLIC.....RESPONDENT

J U D G M E N T

The two appellants were charged with the offence of Robbery c/s 296(1) of the Penal Code. After a full trial the appellants were convicted and sentenced to 2 years imprisonment with 2 strokes each. They were also to be subject to police supervision for 3 years on completion of the sentence. These are appeals against the convictions and sentence. The complainant was beaten by six people who stole his money. This was during broad day light at 12.30 p.m. The complainant raised an alarm and the appellants were arrested. When searched the appellants were found with money stolen form the complainant.

Pw2 corroborated the evidence of the complainant. He was an eye witness.

The defences raised by the appellants were misplaced in the light of the prosecution evidence adduced.

The charge was proved beyond any reasonable doubt. The sentence was justified appeals are therefore dismissed. Orders accordingly.

Dated and delivered at Nairobi this 24th day of March, 1999.

A. MBOGHOLI MSAGHA

JUDGE