

REPUBLIC OF KENYA
IN THE COURT OF APPEAL
AT NAIROBI
(CORAM: OMOLO, TUNOI & SHAH, J.J.A
CRIMINAL APPEAL NO. 5 OF 1997

BETWEEN

MERCY NDUTA

KARIUKI.....APPELLANTS

AND

REPUBLIC.....RESPONDENT

**(Appeal from a Judgment of the High Court of Kenya at
Nairobi (Mr. Justice V.V. Patel) dated 27th July,
1995**

in

H.C.CR.A. NO. 297, 298 OF 1995)

JUDGMENT OF THE COURT

In this second appeal the two appellants have in their memorandum of appeal challenged their convictions purely on facts as found by the trial magistrate and the first appellate court. As there were concurrent findings of facts established by those two courts which, we are satisfied, are borne by the evidence on record this appeal must fail as it raises no points of law. The appeal dismissed. This is our order.

Dated and delivered at Nairobi this 24th day of February,

1998.

R. S. C. OMOLO

JUDGE OF APPEAL

P. K. TUNOI

JUDGE OF APPEAL

A. B. SHAH

JUDGE OF APPEAL

I certify that this is a true copy of the original.

DEPUTY REGISTRAR