



**IN THE COURT OF APPEAL OF KENYA**

**AT MOMBASA**

**CRIMINAL APPEAL 54 OF 1995**

**JOSEPH WANJE MUCHIRI.....APPELLANT**

**AND**

**REPUBLIC.....RESPONDENT**

**(Appeal from a judgment of the High Court of Kenya at Mombasa (Oguk, J. ) dated 18<sup>th</sup> October, 1994**

**IN**

**H. C. CR.A NO. 197 OF 1993)**

**\*\*\*\*\***

**JUDGMENT OF THE COURT:**

In this second appeal to this court the only issue of law raised is that of identification. The offence for which the appellant was convicted was committed at about 5.00p. m. is broad day light. Immediately there after the appellant was arrested after his pursuers overcame him and which pursuers had not lost sight of him after committing the offence of robbery. In the circumstances the question of his having been wrongly identified does not arise. We therefore think that the appellant's appeal on account of his having been mistakenly identified is without merit and the case is dismissed.

**Dated and delivered at Mombasa this 20<sup>th</sup> day of January, 1997.**

**J. E. GICHERU**

.....

**JUDGE OF APPEAL**

**R. S. C. OMOLO**

.....

**JUDGE OF APPEAL**

**G. S. PALL**

.....

**JUDGE OF APPEAL**

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