

REPUBLIC OF KENYA

IN THE COURT OF APPEAL
AT NAIROBI
(CORAM: OMOLO, LAKHA J.J.A. & BOSIRE AG. J.A.)
CRIMINAL APPLICATION NO. NAI 8 OF 1997 (NYR 5/97)

BETWEEN

CHARLES WANJAU
KARIMI.....APPLICANT
AND
REPUBLIC.....RESPONDENT

(Appeal from a conviction and judgment of the High Court
of Kenya at Nyeri (Mr. Justice J.L.A. Osiemo) dated
24th September, 1996

in
H.C.CR. APPEAL NO. 226 OF 1995)

RULING OF THE COURT

The applicant was convicted after a trial of seven counts of stealing by a person employed in the public service, contrary to s.280 of the Penal Code and a further count of fraudulent false accounting contrary to s.330(a) of the penal Code. His first appeal to the superior court against both conviction and sentence was dismissed. Thereafter the applicant did not make any application to the same court for bail pending appeal to this court as he should properly have done in view of the provisions of s.361 (b) of the Criminal Procedure Code as read with rule 41 of the Rules of this court. That being so, this application does not lie.

Moreover, on the merits the applicant's intended appeal does not appear to us to have overwhelming chances of success.

In the circumstances we find that it has no merit and is accordingly ordered dismissed.

Dated at Nairobi this 21st day of April, 1997.

R.S.C. OMOLO

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JUDGE OF APPEAL

A. A. LAKHA

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JUDGE OF APPEAL

S.E.O. BOSIRE

.....

AG. JUDGE OF APPEAL

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

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DEPUTY REGISTRAR