

REPUBLIC OF KENYA
IN THE COURT OF APPEAL OF KENYA
AT KISUMU

CRIMINAL APPEAL 79 OF 1995

FRANCIS ADAMBA DAMBA.....APPELLANT

AND

REPUBLIC.....RESPONDENT

(Appeal from a conviction and judgment of the High Court of Kenya at Kisii (Mr. Justice V. V. Patel) dated 20th May, 1995

IN

H.C.CR.APPEAL NO. 89 OF 1988

JUDGMENT OF THE COURT

This is a second appeal by the appellant against his conviction. His appeal to the superior court was dismissed. In this second appeal to this Court an appeal can lie only on points of law: see s.361(c) Criminal Procedure Code. We have carefully considered the grounds set out in his petition and the submissions made by Mr. Onsongo for the appellant. We are not satisfied that the appeal raises any point of law. We may add that Mr. Karanja for the Republic very properly submitted that the point of law is raised by this appeal.

Accordingly, the appeal is dismissed.

Made at Kisumu this 18th day of March, 1996.

R. O. KWACH

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JUDGE OF APPEAL

A.M. AKIWUMI

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JUDGE OF APPEAL

A.A. LAKHA

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR