



**REPUBLIC OF KENYA
IN THE COURT OF APPEAL OF KENYA
AT NAKURU
Criminal Appeal 81 of 1994**

DAVID LEKANOI LESEPE.....APPELLANT

AND

REPUBLIC.....RESPONDENT

(Appeal from an order of the High Court of Kenya at Nakuru (Lady Justice R.

Nambuye) dated 7th July, 1993,

IN

CRIMINAL CASE NO. 674 OF 1992)

JUDGMENT OF THE COURT

The appellant David Lekanoi Lesepe pleaded guilty to the alternative charge of Handling Stolen Property contrary to section 322(2) of the Penal Code. He was convicted and sentenced to 3 years imprisonment. His appeal to the High Court (Nambuye, J.) was summarily rejected under section 352(2) of the Criminal Procedure Code.

The issue of law raised in this appeal is whether or not the learned judge could summarily reject the petition of appeal under section 352(2) of the Criminal Procedure Code. The appellant having pleaded guilty unequivocally he could not be heard to deny the conviction. The other ground relates to severity of sentence upon which an appeal may be summarily rejected. We see no other circumstances which could raise any doubt about the correctness of the summary rejection.

This appeal is dismissed. We so order.

Dated and delivered at Nakuru this 25th September, 1996.

J. E. GICHERU

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JUDGE OF APPEAL

P. K. TUNOI

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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