



**REPUBLIC OF KENYA  
IN THE COURT OF APPEAL OF KENYA  
AT NAKURU**

**CRIMINAL APPEAL 54 OF 1994**

**DAVID MIRINGU MUNGAI.....  
.....APPELLANT**

**AND**

**REPUBLIC.....RESPONDENT**

**(Appeal from a conviction and sentence of the High Court of Kenya at Nakuru (Mr. Justice D.M. Rimita) dated 10<sup>th</sup> January, 1994**

**IN**

**H.C.CR.C. NO. 432 OF 1993**

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**JUDGMENT OF THE COURT**

The appeal before this Court is against sentence. This was what had also been before the learned High Court Judge who in exercise of his powers under S.352 (2) of the Criminal Procedure Code rejected the appeal summarily. He is entitled to do this and under S.361 of that Code, we can see no reason why we can upset this exercise of the learned Judge's powers. In the circumstances, the appeal is dismissed.

Dated and delivered at Nakuru this 20<sup>th</sup> day of February, 1995.

**A.M. AKIWUMI**

.....

**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**