



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

AT NAIROBI

Criminal Appeal 103 of 1995

**ABDALLA AHMED ABDUL RASHID.....
.....APPELLANT**

AND

**REPUBLIC.....
.....RESPONDENT**

**(Appeal from the judgment of the High Court of Kenya at Nairobi (Mr. Justice V.V. Patel) dated
31st May, 1995**

IN

H.C.CR.A. NO. 398 OF 1994)

JUDGMENT OF THE COURT

The appellant's appeal in the superior court was against sentence having abandoned his appeal to that Court against conviction. His second appeal to this Court therefore against the decision of the first appellate court could only be against sentence. In the circumstances of the sentence imposed against him. Section 361(1)(b) of the Criminal Procedure Code debars this Court from hearing his appeal against sentence. The appellant's appeal is therefore incompetent and the same is struck out.

Dated and delivered at Nairobi this 19th day of December, 1995.

J.E. GICHERU

.....

JUDGE OF APPEAL

R.S.C. OMOLO

.....

JUDGE OF APPEAL

A.M. AKIWUMI

.....

JUDGE OF APPEAL

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

DEPUTY REGISTRAR