

REPUBLIC OF KENYA

IN THE COURT OF APPEAL OF KENYA

AT NAIROBI

crim app 75 of 90

KARIUKI.....APPELLANT

V

REPUBLIC.....RESPONDENT

JUDGEMENT

This is an appeal against the summary rejection of the appellant's first appeal to the High Court under section 352 (2) of the Criminal Procedure Code. The appellant's petition was not for summary rejection.

In the circumstances we allow the appeal, set aside the Superior Court's order dated the 11th July, 1989 and order that this matter be remitted to the High Court to be dealt with in accordance with the law.