



IN THE COURT OF APPEAL

AT KISUMU

(CORAM: NYARANGI, MASIME & COCKAR, J.J.A.)

CRIMINAL APPEAL NO. 126 OF 1990

BETWEEN

TOM JACOB MIDILA OJWANG.....APPELLANT

AND

REPUBLIC.....RESPONDENT

(Appeal from a judgment of the High Court of Kenya at Kisumu (Khamoni, J.) dated 5th October, 1990

in

H.C.CR. APPEAL NO. 155 OF 1990)

JUDGMENT OF THE COURT

The appellant's vehicle crushed the deceased child then aged ten months while the child was within the verandah of its mother's house. The trial court and the High Court made the correct concurrent findings of fact that in the circumstances the appellant drove his vehicle in a dangerous manner. There is no issue of law raised worth considering.

The appeal is ordered to be dismissed.

Dated and delivered at Kisumu this 3rd day of December, 1990.

J.O. NYARANGI

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JUDGE OF APPEAL

J.R.O. MASIME

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JUDGE OF APPEAL

A.M. COCKAR

.....

JUDGE OF APPEAL

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

DEPUTY REGISTRAR