

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MACHAKOS

CRIMINAL APPEAL NO 81 OF 1987

KASILI.....APPELLANT

VERSUS

REPUBLIC.....DEFENDANT

JUDGMENT

June 19, 1987 Torgbor J delivered the following Judgment. The appellant was charged with three counts of forgery and convicted and sentenced to 12 months imprisonment. He appealed on 5 grounds.

The principal state counsel does not support the conviction because it was not conclusively proved that the signatures identified by the documents examiner were those of the appellant. Appellant's counsel has argued forcefully that the appellants signature was not positively proved to be on the forged documents. Having considered the relevant aspects of the evidence tendered by PW, PW 4 and PW 6 I am of the view that the trial magistrate erred in relying solely on the evidence of oppportuning and that of the document examiner.

Consequently this appeal is allowed.

The conviction and sentence are sentence are quashed and set aside.

June 19, 1987

TORGBOR

JUDGE