



**REPUBLIC OF KENYA**

**Lemba v Republic**

**High Court, at Nairobi September 30, 1985**

**Mbaya J**

**Criminal Appeal No 267 of 1985**

**(Appeal from the Resident Magistrate's Court at Thika)**

**Advocates**

Appellant absent, unrepresented and not wishing to be present  
Miss W Ngugi for Respondent

**September 30, 1985, Mbaya J delivered the following Judgment.**

The appellant was charged with robbery with violence contrary to section 296(1) of the Penal Code, and on conviction he was sentenced to 4 year's imprisonment. He appeals against conviction and the sentence.

The prosecution case was that PW 1, the complainant was robbed of his bicycle by two attackers at a place near the Fourteen Falls at Thika. PW 1 testified that he was robbed of his bicycle at about 3 pm on the material day. It was day-time and the appellant had ample opportunity to identify the accused as being one of the two attackers. In the circumstances I am satisfied that the appellant was properly identified, and

I hold therefore that he was properly convicted. As the sentence is lawful and is neither harsh nor excessive, the whole appeal against the conviction and sentence is hereby dismissed.