



REPUBLIC OF KENYA

**Kigonyere v Republic**

**Court of Appeal, at Nairobi January 7, 1985**

**Madan, Hancox JJA & Nyarangi Ag JJA**

**Criminal Appeal No 93 of 1984**

**(Appeal from the High Court at Nairobi, Aganyanya J)**

**January 7, 1985, Madan, Hancox JJA & Nyarangi Ag JJA delivered the following Judgment.**

The appellant was convicted on two counts of unlawful possession of government stores contrary to section 324(2) of the Penal Code (cap 63), and on another count of unlawful possession of Part One Poison contrary to section 26(2) of the Pharmacy and Poisons Act, (cap 244). His appeal to the High Court was summarily rejected under section 352(2) of the Criminal Procedure Code (cap 75). He has appealed.

The government stores and the Part One Poison were found in the appellant's coat under a bed when his house was searched during a police raid. His explanation was that they were planted on him by a police corporal and a constable who searched his house. These two police officers testified that they had not known the appellant previously, as also admitted by the appellant before us.

There is no merit in this appeal. It is ordered to be dismissed.

We note that the trial magistrate did not mark the government stores and the Part One Poison when produced before him as exhibits.

It is important to do so.