

REPUBLIC OF KENYA

Kinuthia v Republic

**Court of Appeal, at Nakuru March 12, 1985
Madan, Hancox, & Nyarangi JJA**

Criminal Appeal No 160 of 1984

**(Appeal from an order of the High Court of Kenya at Nakuru, Masime J)
March 12, 1985, Madan, Hancox, & Nyarangi JJA delivered the following Judgment.**

The appellant a former employee of the complainant was in possession of the complainant's spraying pump by December 6, 1983. The complainant lost a spraying pump on November 19, 1983 which the appellant gave to PW2, it appears as security. The appellant was in recent possession of the complainant's missing property which he came by unlawfully. The magistrate's conclusion that the appellant broke into the complainant's premises to steal the material spray pump is sustainable on the evidence. PW2 wasn't in the circumstances as accomplice.

The summary rejection was perfectly proper having regard to the four grounds of appeal before the High Court.

In this second appeal, the appellant hasn't raised any points of law in his original and supplementary memorandum of appeal to persuade us to interfere with the conviction.

We dismiss the appeal.