

Court of Appeal, at Nakuru M a r c h

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)

Criminal law - recent possession of stolen property – contrary to section 322(2) of the Penal Code – appeals – summary rejection – second appeal – no points of law raised in.

The appellant, a former employee of the complainant, was convicted of being in possession of stolen property contrary to section 322(2) of the Penal Code his first appeal to the High Court was rejected. Held:

1. The summary rejection was perfectly proper.
2. The appellant did not raise any points of law in his original and supplementary record of appeals to persuade the court to interfere with the conviction.

Appeal dismissed. 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.