

IN THE COURT OF APPEAL

AT KISUMU

(CORAM:LAW, POTTER JJA & HANCOX AG JA)

CRIMINAL APPEAL NO 8 OF 1981

OYOKO.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

JUDGMENT

There are no merits in this second appeal. A cheque book was stolen in the course of a burglary on December 4, 1976. Soon afterwards a man started using the stolen cheques to obtain goods from traders. That man was identified in court by two witnesses and his signature on some of the cheques has been certified to be in his handwriting in the opinion of a Government Document Examiner.

The appellant was convicted of burglary and stealing and of seventeen counts of forgery, uttering false documents, obtaining goods by false pretences and other cognate offences, by a Resident Magistrate at Kisumu, Mr Omolo. He was acquitted on four counts. His appeal to the High Court was summarily rejected.

We have found Mr Omolo's judgment to be a well-reasoned and convincing piece of work. It leaves us with no doubt that the appellant was properly convicted. No points of law fit for consideration on a second appeal have been raised. We are not concerned with severity of sentence on a second appeal, but in any event the total effective sentence of four years imprisonment and four strokes of corporal punishment seems reasonable. We order that this appeal be dismissed.

Dated and delivered at Kisumu this 6th day of December 1982

E.J.E LAW

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JUDGE OF APPEAL

K.D POTTER

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JUDGE OF APPEAL

A.R.W HANCOX

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AG JUDGE OF APPEAL