



IN THE COURT OF APPEAL

AT KISUMU

(CORAM: KWACH, TUNOI & KEIWUA, JJ.A.)

CRIMINAL APPEAL NO. 167 OF 2001

BETWEEN

DANIEL MARITA .....APPELLANT

AND

REPUBLIC .....RESPONDENT

(Appeal from an Order of the High Court of Kenya at Kisumu (Justice Wambiliangah) dated 20th day of September, 2001

in

H.C.CR.Appeal NO. 165 OF 2001)

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JUDGMENT OF THE COURT

The state not opposing the appeal, the same is allowed.

The order summarily rejecting it is set aside. We remit the appeal to the High Court to admit it and to deal with it according to law.

**Dated and delivered at Kisumu this 12th day of March, 2002.**

**R.O. KWACH**

**JUDGE OF APPEAL**

**M. Ole KEIWUA**

.....

**JUDGE OF APPEAL**

I certify that this is a true copy of the original.

**DEPUTY REGISTRAR**