



**Kimtai v Republic  
REPUBLIC OF KENYA  
Court of Appeal, at Nairobi July 12, 1990  
Nyarangi, Gicheru JJA & Cockar Ag JA**

**Criminal Appeal No 38 of 1986**

**On July 12, 1990, Nyarangi, Gicheru JJA & Cockar Ag JA delivered the following  
Judgment.**

There is before the court a second appeal against the summary rejection under section 352 (2) of the Criminal Procedure Code. In this appeal, the issue of law which falls for consideration is whether or not the summary rejection is valid.

Learned senior state counsel concedes the appeal.

It is clear to us that several of the grounds of appeal in the memorandum of appeal before the High Court raised seriously arguable issues of law. Added to that is the fact that the appellant was arraigned of nine charges and therefore the possibility of duplicity of charges could not at this stage be fairly excluded.

For the foregoing reasons, the appeal is allowed, the summary rejection set aside and it is ordered that the appeal shall be set down for hearing if the appellant expresses that desire.

A certified copy of this judgment shall be posted to the appellant at his last known address.

Orders accordingly.



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