



REPUBLIC OF KENYA

IN THE COURT OF APPEAL OF KENYA

AT NAKURU

Criminal Appeal 65 of 1994

SIMON KIMELI SAWE.....APPELLANT

AND

REPUBLIC.....RESPONDENT

**(Appeal from a summary rejection of the High Court of Kenya at Eldoret (Mr. Justice Aganyanya)
dated 21st July, 1993**

IN

H.C.CR.A. NO. 58 OF 1993)

JUDGMENT OF THE COURT

The appellant was convicted on his own plea of guilty of Defilement of a girl contrary to section 145(1) of the Penal Code and sentenced to 7 years imprisonment with 8 strokes of the cane. His appeal to the High Court of Kenya at Eldoret was summarily rejected under Section 352(2) of the Criminal Procedure Code. Against that summary rejection he had appealed to this court.

There is no merit in this appeal as no issue of law has been raised.

The summary rejection was perfectly proper having regard to the grounds of appeal before the High Court. We accordingly dismiss the appeal. That is the order of the Court.

Dated and delivered at Nakuru this 27th day of September, 1994.

R.O. KWACH

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JUDGE OF APPEAL

M.G. MULI

.....

JUDGE OF APPEAL

P.K. TUNOI

.....

JUDGE OF APPEAL

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

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