



IN THE COURT OF APPEAL
AT NAKURU
CORAM: CHESONI, C.J., GICHERU & BOSIRE, JJ.A.
CRIMINAL APPEAL NO. 5 OF 1998
BENARD ZAKAYO MUSEAPPELLANT
AND
REPUBLICRESPONDENT
(Appeal from a conviction & sentence of the High Court of
Kenya at Eldoret (Nambuye J) dated 23rd September, 1997
in
H.C.CR.C. NO. 28 OF 1995)

JUDGMENT OF THE COURT

The Respondent (Republic) does not support the appellant's conviction of accessory after the fact contrary to Section 396 (1) as read with Section 397 of the Penal Code, which conviction was passed by Nambuye J. In the result, we allow the appeal, quash the conviction, set aside the sentence and set the appellant free forthwith unless otherwise lawfully held. The reasons to be given on 6th March, 1998 at 9.00 a.m. at Nairobi.

Dated and delivered at Nakuru this 26th day of February, 1998.

Z. R. CHESONI

CHIEF JUSTICE

J. E. GICHERU

JUDGE OF APPEAL

S. E. O. BOSIRE

JUDGE OF APPEAL

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

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