



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT KISII**

**CRIMINAL APPEAL NO.348 OF 2003**

**(From original conviction and sentence of the Senior Resident Magistrate's  
court at Nyamira in Criminal Case No.805 of 2003 – MR. PETER MULWE ESQ.,D.M.II)**

**PETER AYORA MASAKI ..... APPELLANT**

**VERSUS**

**REPUBLIC ..... RESPONDENT**

**RULING**

I have considered the application and objection. I too gone through the proceeding and memorandum of appeal. One ground of appeal is that the prosecution in the lower court was conducted by a police constable who is an unqualified person. This court is line to the court of appeal decision in CR. APPL. NO.217 OF 2003. I think in the light of that decision the appeal has high chances of success. The appellatant has been in jail for about 3 months now. I find the application is reasonable and allowthesame.

Accused be released on his own bond of shs.20,000/= with one surety of similar amount.

Dated and delivered on 3rd March 2004.

**KABURU BAUNI**

**JUDGE.**

Mr. Soire H/B for Mr. Mogere for Applicant



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