



Case Number:	Criminal Appeal 17 of 1994
Date Delivered:	27 Sep 1994
Case Class:	Criminal
Court:	Court of Appeal at Nakuru
Case Action:	Judgment
Judge:	Philip Kiptoo Tunoi, Richard Otieno Kwach, Mathew Guy Muli
Citation:	Peter Mwangi Kaniga v Republic [1994] eKLR
Advocates:	-
Case Summary:	Criminal Law
Court Division:	-
History Magistrates:	-
County:	-
Docket Number:	-
History Docket Number:	H.C.CR.A. NO. 213 OF 1991
Case Outcome:	Dismissed
History County:	Nakuru
Representation By Advocates:	-
Advocates For:	-
Advocates Against:	-
Sum Awarded:	-
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**REPUBLIC OF KENYA  
IN THE COURT OF APPEAL OF KENYA  
AT NAKURU  
Criminal Appeal 17 of 1994**

**PETER MWANGI KANIGA.....APPELLANT**

**AND**

**REPUBLIC.....RESPONDENT**

**(Appeal from a conviction and sentence of the High Court of Kenya at Nakuru (Mr.**

**Justice B.K. Tanui) dated 6<sup>th</sup> November 1992**

**IN**

**H.C.CR.A. NO. 213 OF 1991)**

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**JUDGMENT OF THE COURT**

The appellant was convicted of robbery contrary to section 296(1) of the Penal Code and sentenced to 5 years imprisonment plus 5 strokes of the cane followed by 5 years police supervision. His appeal to the Superior Court against both conviction and sentence was dismissed by Tanui J on 6<sup>th</sup> November, 1992 and he now brings this second appeal.

The appellant has raised a number of complaints including an allegation of being framed by the police, but this being a second appeal, he can only raise issues of law. The only issue of law available to the appellant is one of identification. As to this, the circumstances of identification were favourable and free from possibility of error. There was light and the appellant had no front upper teeth which was easily noticed by Paul Kariuki Mwangi (P.W.2), whom the appellant attached as he was counting money on a table.

The appellant was properly identified and there can be no doubt that the conviction was proper. In the circumstances the appeal fails and is dismissed.

Dated and delivered at Nakuru this 27<sup>th</sup> day of September, 1994.

R.O. KWACH

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JUDGE OF APPEAL

M.G. MULI

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JUDGE OF APPEAL

P.K. TUNOI

.....

JUDGE OF APPEAL

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

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