



Case Number:	Criminal Appeal 65 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:	Simon Kimeli Sawe v Republic [1994] eKLR
Advocates:	-
Case Summary:	-
Court Division:	Criminal
History Magistrates:	-
County:	Nakuru
Docket Number:	-
History Docket Number:	H.C.CR.A. NO. 58 OF 1993
Case Outcome:	Dismissed
History County:	Uasin Gishu
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 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 21<sup>st</sup> July, 1993**

**IN**

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

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**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 27<sup>th</sup> day of September, 1994.

R.O. KWACH

.....

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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