



Case Number:	crim app 5 of 98
Date Delivered:	26 Feb 1998
Case Class:	Criminal
Court:	Court of Appeal at Nakuru
Case Action:	-
Judge:	Johnson Evan Gicheru, Samuel Elikana Ondari Bosire, Zakayo Richard Chesoni
Citation:	BENARD ZAKAYO MUSE vs REPUBLIC[1998]eKLR
Advocates:	-
Case Summary:	-
Court Division:	-
History Magistrates:	-
County:	-
Docket Number:	-
History Docket Number:	-
Case Outcome:	Allowed
History County:	Baringo
Representation By Advocates:	Neither party represented
Advocates For:	-
Advocates Against:	-
Sum Awarded:	-

The information contained in the above segment is not part of the judicial opinion delivered by the Court. The metadata has been prepared by Kenya Law as a guide in understanding the subject of the judicial opinion. Kenya Law makes no warranties as to the comprehensiveness or accuracy of the information.

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.

DEPUTY REGISTRAR



While the design, structure and metadata of the Case Search database are licensed by [Kenya Law](#) under a [Creative Commons Attribution-ShareAlike 4.0 International](#), the texts of the judicial opinions contained in it are in the [public domain](#) and are free from any copyright restrictions. Read our [Privacy Policy](#) | [Disclaimer](#)