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| Case Number: | crim app 1303 of 02 |
| Date Delivered: | 11 Apr 2003 |
| Case Class: | Criminal |
| Court: | High Court at Nairobi (Milimani Law Courts) |
| Case Action: | - |
| Judge: | Robert Mugo Mutitu |
| Citation: | AMIN MOHAMED KHAN vs REPUBLIC.[2003] eKLR |
| Advocates: | - |
| Case Summary: | - |
| Court Division: | - |
| History Magistrates: | - |
| County: | - |
| Docket Number: | - |
| History Docket Number: | - |
| Case Outcome: | - |
| History County: | - |
| Representation By Advocates: | - |
| Advocates For: | - |
| Advocates Against: | - |
| Sum Awarded: | - |
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REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL DIVISION

CRIMINAL APPEAL NO.1303 OF 2002

**(From Original Conviction and Sentence in Criminal Case
No.2540 of 2002 of the Chief Magistrate's Court at Nairobi)**

**AMIN MOHAMED KHAN..... APPELLANT
VERSUS
REPUBLIC..... RESPONDENT**

JUDGEMENT

The appellant has appealed against his conviction and sentence in Cr. Case No.2590/02 wherein he was sentenced to 2 years imprisonment by the Nairobi Senior Principal Magistrate Mr. Indeche. At the time of arguing this appeal the state conceded to the appeal. I have carefully studied the lower Courts proceedings.

I have no reason to disagree with the learned state counsel that the appeal should not succeed from my perusal of the lower court's proceedings I am satisfied that the trial magistrate should have given the appellant the benefit of doubt in this case. I therefore allow this appeal and quash the appellant's conviction. The appellant will be set at liberty unless he is lawfully held. Order accordingly.

**R.M. MUTITU
JUDGE**

Delivered, dated and signed in open court in the presence of Mr. Monda for the state and in the presence of the appellant.

**R.M. MUTITU
JUDGE
11/4/2003**



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