



Case Number:	Criminal Appeal 52 of 2003
Date Delivered:	29 Sep 2003
Case Class:	Criminal
Court:	High Court at Mombasa
Case Action:	Judgment
Judge:	Alex George Aluri Etyang
Citation:	GEORGE OMONDI v REPUBLIC[2003] eKLR
Advocates:	-
Case Summary:	-
Court Division:	Criminal
History Magistrates:	-
County:	Mombasa
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 MOMBASA

CRIMINAL APPEAL 52 OF 2003

GEORGE OMONDIAPPELLANT

VERSUS

REPUBLIC RESPONDENT

J U D G M E N T

George Omondi, the appellant, was convicted for Shop Breaking and committing a felony contrary to Section 306(a) Penal Code. His conviction cannot be sustained as the prosecution was conducted by unauthorised public prosecutor, namely, Police Constable Mutisya.

Conviction is quashed and sentence of two years and 4 strokes is set aside.

I order a retrial to be held before another magistrate. For this purpose the appellant is to be released from prison custody forthwith and remanded at Changamwe Police Station. He is to be recharged before the Chief Magistrate Mombasa on 3rd October 2003.

Dated and delivered at Mombasa this 29th September 2003.

A.G.A. ETYANG

JUDGE



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