



Case Number:	Criminal Appeal 312 of 1986
Date Delivered:	07 Dec 1987
Case Class:	Criminal
Court:	High Court at Machakos
Case Action:	Judgment
Judge:	Edward Nii Adjar Torgbor
Citation:	Mulwa v Republic[1987] eKLR
Advocates:	-
Case Summary:	-
Court Division:	Criminal
History Magistrates:	-
County:	Machakos
Docket Number:	-
History Docket Number:	-
Case Outcome:	Appeal allowed.
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 MACHAKOS

CRIMINAL APPEAL NO 312 OF 1986

MULWA.....APPELLANT

V

REPUBLIC.....RESPONDENT

JUDGMENT

The appellant was convicted for stealing handsaw and hammer and sentenced to 12 months imprisonment. State counsel does not support the conviction and I agree with him as it is not clear from the evidence that the appellant was the only person left behind to look after the said tools. Moreover the construction site from where the tools were stolen was not fenced and seemed accessible to the public.

The conviction is not safe and it is quashed as is the sentence. The appellant is to be released from prison forthwith unless otherwise lawfully held.

Order accordingly.

December 7, 1987

TORGBOR

JUDGE



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