

Mrama v Republic

REPUBLIC OF KENYA

**Court of Appeal, at Mombasa July 17, 1990
Gachuhi, Masime & Kwach JJA**

Criminal Appeal No 73 of 1990

On July 17, 1990, Gachuhi, Masime & Kwach JJA delivered the following Judgment.

The appellant's appeal to the superior court was summarily rejected under section 352(2) of the Criminal Procedure Code. Amongst the grounds of appeal put forward by the appellant in the superior court was the ground that the judgment of the district magistrate did not comply with the provisions of the Criminal Procedure Code – see section 169(1) of the Criminal Procedure Code. This ground alone merited the appellant's appeal to be admitted to hearing in the superior court. Summary rejection of that appeal was therefore wrong. Accordingly, we allow the appellant's appeal to this court, set aside the superior court's order summarily rejecting the appellant's appeal to that court and order that the said appeal be admitted to hearing by the superior court. That is the order of this court.