



Naivasha court sets free two men serving a 7 year sentence for stealing a cow

By CH Reporter

A Naivasha high court has set free two men who were sentenced to serve 7 years in jail for stealing a heifer worth Sh 150,000.

Francis Mungai Njeri and Peter Kinyanjui Kimani had appealed the decision by the magistrates court to find them guilty of stealing the cow saying there was no evidence linking them to the crime.



Naivasha Law Court
Photo credit/ Paul Gitau

Justice Hedwig Ong'udi allowed the appeal and set them free saying the prosecution had not proved the case against the two.

"I find a lot of merit in the appeal which I hereby allow in its entirety. The conviction is quashed and the sentence set aside," the judge ruled.

The court said Mungai and Kimani should be released forthwith unless otherwise lawfully held under separate warrants.

Justice Ong'udi questioned why crucial witnesses were never called to testify further wondering whether any investigations were done in the matter.

The court also wanted to know how the two were linked to the theft of the cow when the people who arrested them never testified.

She further wondered why two different files were opened at Engineer Law Courts over the same offence, same accused persons, same time of occurrence of the offence.

"Why were they not charged in one file, one charge sheet with two counts?," the court posed.

Justice Ong'udi said the court and the prosecutor at Engineer Law Courts were careless in how they handled the matter.

"I am asking all these questions just to highlight the carelessness exhibited by the court and prosecution at Engineer Law Courts, in handling this matter," the court said.

The court further ruled that there was no iota of evidence to make the magistrate place the accused on defence.

"After doing the above analysis I find that the prosecution never proved its case to the required standard and the appellants should never have been convicted let alone being placed on their defence," the court ruled.