

UGANDA / JUDGMENT

Rex v Singh (Criminal Appeal No. 89 of 1947) [1947] EACA 27 (1 January 1947)

[1947] EACA 27

COURT

East African Court of Appeal

BEFORE

Edwards CJ, Graham Paul CJ, Nihill P

CASE / FILE NUMBER

Criminal Appeal No. 89 of 1947

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COURT OF APPEAL FOR EASTERN AFRICA

Before NIHILL. C. J. (Kenya), SIR G. GRAHAM PAUL. C. J. (Tanganyika) and EDWARDS, C. J. (Uganda)

> REX, Respondent (Original Prosecutor)

CHANAN SINGH's/o INDER SINGH, Appellant (Original Accused) Criminal Appeal No. 89 of 1947

(Appeal from decision of H. M. Supreme Court of Kenya)

Criminal Procedure—Appeal to E. A. C. A. on sentence—Section 360 Kenya Criminal Procedure Code.

The appellant was convicted and sentenced in the Resident Magistrate's Court. He appealed to the Supreme Court against conviction and sentence, but later withdrew his appeal in respect of his conviction. The Supreme Court reduced his sentence but he appealed to the Court of Appeal for Eastern Africa against both conviction and sentence.

Held (18-7-47).—That as the lower Appellate Court had confined its order to the appeal against sentence any further appeal to the Court of Appeal for Eastern Africa is barred by the provisions of section 360 Kenya Criminal Procedure Code.

Appellant absent, unrepresented.

Holland, Crown Counsel (Kenya) for the Crown.

JUDGMENT (delivered by NIHILL, C. J.).—This appeal is misconceived and cannot be entertained by this Court. In the lower Appellate Court the appellant withdrew his appeal against his conviction in the Magistrate's Court and confined his appeal to one of appeal against sentence. The lower Appellate Court accordingly confined its order to that ground and against that the appellant's right to appeal to this Court is barred by the provisions of section 360 of the Kenya Criminal Procedure Code.

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