



REPUBLIC OF KENYA



**KENYA LAW**  
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**Wanjiru v Republic (Criminal Appeal E017 of 2023)  
[2023] KEHC 26089 (KLR) (27 November 2023) (Ruling)**

Neutral citation: [2023] KEHC 26089 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIVASHA  
CRIMINAL APPEAL E017 OF 2023  
GL NZIOKA, J  
NOVEMBER 27, 2023**

**BETWEEN**

**JOSEPH MBUGUA WANJIRU ..... APPELLANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The appeal herein has been considered in the light of the materials placed before the court. I have particularly taken note of the trial court's record where the appellant pleaded guilty to the charges and saved court's time. I also note the value of the subject matter being Kshs 900. I note that, there is no record of previous conviction. He is a first offender. He is a young man aged 20 years. The pre-sentence report filed herein dated 23<sup>rd</sup> November 2023 is positive.
2. The respondent did not oppose the appeal. Pursuant to the aforesaid, the sentence meted out of ten (10) years is obviously too harsh. I therefore set it aside and order that, the appellant will serve a custodial period of 8 months from the 20<sup>th</sup> April 2023 to 20<sup>th</sup> December 2023, and be released to serve further 6 months on Community Service Order at a place to be identified by the Probation Department and six (6) months on Probationary sentence. The Probation Department will have to file a report of successful service of both Community Service Order and Probationary sentence.

It is so ordered.

**DATED, DELIVERED AND SIGNED THIS 27<sup>TH</sup> DAY OF NOVEMBER 2023.**

**GRACE L. NZIOKA**

**JUDGE**

**In the presence of:-**

Appellant present virtually



Mr. Ndiema for the respondent

Ms Ogutu- court assistant

