



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NANYUKI**

**CRIMINAL APPEAL NO 10 OF 2020**

**LKAPURE LENARESHAS.....APPELLANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

***(From original Sentence in Maralal PM Criminal Case No 503 of 2017 – R K Koech, PM)***

**J U D G M E N T**

1. The Appellant herein, **LKAPURES LENARESHAS**, was convicted after trial in Count II of the charge of ***being in possession of ammunition*** contrary to **section 89(1)** of the ***Penal Code***. The charge in Count I was withdrawn by the complainant. On 21/12/2017 he was sentenced to seven (7) years imprisonment. He has appealed only against that sentence. He stated to this court that he was satisfied with the conviction.
2. The punishment prescribed under section 89(1) of the Penal Code, once the trial court decides that the accused deserves a custodial sentence, is imprisonment for a term of not less than seven years and not more than fifteen years. The Appellant got the minimum.
3. With the decision of the ***Supreme Court of Kenya*** in the now notorious ***Muruatetu*** case, no doubt this court would be entitled to revisit a mandatory sentence meted out by a trial court if appropriate to do so. In the present case, though the Appellant was found in possession of two rounds of .303 mm ammunition, normally fired from a rifle, everyone knows what harm such a bullet fired from an appropriate rifle could cause. I therefore do not consider that the sentence of seven years imprisonment in this case was manifestly harsh or excessive. It was well-deserved.
4. I find no merit in this appeal against sentence. It is hereby dismissed. It is so ordered.

**DATED AND SIGNED AT NANYUKI THIS 26<sup>TH</sup> DAY OF MAY 2021**

**H P G WAWERU**

**JUDGE**

**DELIVERED AT NANYUKI THIS 27<sup>TH</sup> DAY OF MAY 2021**