

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT KAKAMEGA
MISC. CRIMINAL APPLICATION NO. 122 OF 2017
JACOB KIPNYANGO MAIYO.....PETITIONER
VERSUS
REPUBLIC.....RESPONDENT
SENTENCE

1. On the 30th May, 2019, this court upheld the conviction of the appellant in Counts 1, 2 and 3. Later on 25/2/2020 the court sentenced the appellant in Count 1 but inadvertently failed to sentence him in Counts 2 and 3. The error has now been brought to the attention of the court. The court will now proceed to sentence the appellant in Counts 2 and 3.

2. In Count 2 the appellant was convicted of being in possession of a firearm namely a pistol, without a firearms certificate contrary to Section 4 (2) of Cap 114 Laws of Kenya. In Count 3 he was convicted of being in possession of 13 rounds of ammunition without a certificate contrary to Section 4 (9) of Cap 114. The minimum sentence for possession of a pistol and ammunition as those found with the appellant is 5 years imprisonment. This however may not be a mandatory sentence. I am of the view that a sentence of 5 years is appropriate for the offences. I thereby sentence the appellant to serve 5 years imprisonment on each of Counts 2 and 3. I further direct that the sentences in Counts 1, 2 and 3 shall run concurrently.

Delivered, dated and signed at Kakamega this 29th day of May, 2020.

J. N. NJAGI
JUDGE

In the presence of:

Mr. Mutua for the prosecution

Appellant – present via video link to G.K. Prison, Kakamega

Court Assistant - Polycap

14 days right of appeal.