

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT ELDORET

CORAM: D. S. MAJANJA J.

CRIMINAL APPEAL NO. 146 OF 2016

BETWEEN

DENNIS KORIR KIBET APPELLANT

AND

REPUBLIC RESPONDENT

(Being an appeal against the original conviction and sentence of Hon. H. M. Nyaberi, SPM dated 28th May 2018 at the Magistrates Court at Iten in Criminal Case No. 1110 of 2016)

JUDGMENT

1. After a full trial., the appellant, **DENNIS KORIR KIBET**, was convicted of the offence of possession of offensive weapon contrary to **section 89(1)** of the *Penal Code (Chapter 63 of the Laws of Kenya)*. He was sentenced to 7 years' imprisonment. He had also pleaded guilty to two counts of house breaking and stealing contrary to **section 306 (a)** of *Penal Code*. He was sentenced to two consecutive sentences of 3 years on each count.

2. The appellant appeals against the sentence only. I have considered the respective sentences and I find the offences were all committed on the same day and it would be improper to impose consecutive sentences particularly where the aggregate sentences would be excessive.

3. Since the minimum sentence under **section 89 (1)** of the *Penal Code* is 7 years' imprisonment, I allow the appeal and order that the sentences on counts I, II and III shall all run concurrently from **18th October 2016**.

DATED and DELIVERED at ELDORET this 25th day of APRIL 2019.

D.S. MAJANJA

JUDGE

Appellant in person.

Ms Mokuu, Prosecution Counsel, instructed by the Director of Public Prosecutions for the respondent.