

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT BUNGOMA

CRIMINAL APPEAL NO.173 OF 2016

EDWIN MASINDE WASIKE.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

JUDGEMENT

1. This is an appeal arising from the judgement of S.P.M. D.O. Onyango in Bungoma C.M.C.C No.875 of 2016 wherein the appellant pleaded guilty to the offence of stealing stock contrary to Section 278 of the Penal Code and was sentenced to 5 years imprisonment.
2. The particulars of the offence were that on the night of 20th and 21st July 2016 at Kimilili Police Station yard in Kimilili District of Bungoma County jointly with others not before the Court he stole one cow valued at Kshs.12,000/- the property of Kimilili Police.
3. The appellant in his grounds of Appeal filed on 12th August 2016 complains of the sentence which he says is harsh and excessive and further states that he is remorseful.
4. At the hearing of the appeal the appellant stated that he was 20 years at the time of commission of the offence and sought for review.
5. The State opposed the appeal on grounds that the appellant is a repeat offender as he had been placed on C.S.O. on a similar charge and repeated the offence before completion of the first punishment.
6. In the circumstances of this Case the appellant pleaded guilty, the Court considered the offence and the previous conviction that did not deter the accused.
7. I find the sentence to be within the Law and therefore there is no basis for interference.
8. I will only add a rider that considering the age of the appellant the Prison Authorities do consider some training for him to enable him become a responsible citizen after serving his term.
9. The Appeal fails.

DATED and DELIVERED at BUNGOMA this 22nd day of February, 2018

ALI-ARONI

JUDGE