



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NANYUKI
CRIMINAL APPEAL NO. 23 OF 2016

LAWRENCE MUTHURI RIUNGU APPELLANT

versus

REPUBLIC..... RESPONDENT

(Being an appeal from the original conviction and sentence by Hon. W. J. GICHIMU – PRINCIPAL MAGISTRATE dated 31st August 2015 in Nanyuki Chief Magistrate’s Court Criminal Case No. 64 of 2015)

JUDGMENT

1. The appellant **LAWRENCE MUTHURI RIUNGU** was convicted before the Chief Magistrate’ Court Nanyuki of the ***offence of being within a protected area in possession of snares without authorisation contrary to section 102 (1) of the Wildlife Conservation and Management Act 2013 (Wildlife Act)***. After his conviction he was sentenced to pay a fine of kshs.200,000 and in default to serve 2 years imprisonment.
2. The appellant has filed this appeal against the trial court sentence. He has based his appeal on the ground that he has reformed since the imprisoned and has gained valuable skills in prison.
3. Under **section 102** of the **Wildlife Act** the minimum sentence thereof is a fine of kshs. 200,000 and in default imprisonment of 2 years or both such fine and imprisonment. Bearing in mind that provision of that section it follows that the trial court did not err in the sentence it meted out to the appellant. That sentence was within the law.
4. On that ground the **appellant’s appeal against sentence has no merit and is dismissed.**

DATED AND DELIVERED THIS 28th DAY OF MARCH 2017.

MARY KASANGO

JUDGE

CORAM

Before Justice Mary Kasango

Court Assistant: Ndungu

Appellant: Lawrence Muthuri Riungu

For the State:

COURT

Judgment delivered in open court.

MARY KASANGO

JUDGE