



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MOMBASA
CRIMINAL APPEAL NO. 136 OF 2014

1. ABDALLA ALI OMAR
2. HASSAN ATHUMAN KILALO
3. REHEMA JACKSON MANGI..... APPELLANTS

VERSUS

REPUBLICRESPONDENT

(From original Conviction and Sentence in Criminal Case No. 842 of 2014 of the Principal Magistrate's Court at Kwale – **Hon. Njagi - RM**)

JUDGMENT

The three Appellants were each Convicted and Sentenced to one and a half years imprisonment without an option of fine for the offence of making a false statement for insertion in register of births contrary to section 363 of the Penal Code.

The particulars of the offence were that:-

“On the 19th day of March, 2014 at Kwale District Registrar of births and deaths office Kwale County, jointly, with others not before the Court knowingly and with the intent to have it inserted in the register of births made a false statement to the effect that MIJUMAA JUMA MWAMNWADZI was the biological mother of REHEMA JACKSON MANGI a fact they knew to be false”.

They all pleaded guilty to the charge and were Convicted on their own plea.

The grounds of appeal is that the Sentence was excessive and harsh.

Secondly, that they were not accorded a fair hearing and that the facts did not support the particulars of the charge.

I have perused the records of proceedings and its clear that the charges were read to the Accused person in Swahili language. The facts were read to them also in Swahili language. They each admitted that the facts were correct and they were accordingly Convicted. I have read the facts that were presented by the

prosecution and I am satisfied that they disclose the offence charged against the three appellants.

Section 363 of the Penal Code provides for a Sentence of three (3) years. The Sentence of 1 ½ years therefore cannot be said to be excessive and harsh.

I find no good reason to interfere with both the Conviction and the Sentence. The appeal is dismissed. Conviction and Sentence upheld.

Judgment delivered, dated and signed this **18th** day of **November, 2015**.

.....

M. MUYA

JUDGE

18TH NOVEMBER, 2015

In open Court in the presence of:-

Learned Counsel for the prosecution

Learned Counsel for the Appellants

Court Assistant

M. MUYA – JUDGE

18/11/2015