



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT MOMBASA**  
**CRIMINAL APPEAL NO. 187 OF 2012**

**JAMES KILEMA .....APPELLANT**

**VERSUS**

**REPUBLIC .....RESPONDENT**

**(From original Conviction and Sentence in Criminal Case No. 426 of 2011 of the Senior Resident Magistrate's Court at Wundanyi – Hon. Orange - RM)**

**JUDGMENT**

The Appellant herein was Convicted and Sentenced to four (4) years imprisonment for the offence of stealing by servant contrary to section 281 of the Penal Code.

The particulars being that on the 4th day of October, 2011 at Chawia Location – Taita Taveta County being a servant to **STANLEY MWAMBURI KASUKU** stole from the said **STANLEY MWAMBURI KASUKU** two blankets, three bedsheets, one lessa, three jumpers, one jacket, three long trousers, one shirt and one bag all valued at Ksh. 4,000/=.

The appellant was Convicted on his own plea and Sentenced to four (4) years imprisonment.

The offence with which he was Convicted carries a maximum Sentence of seven (7) years imprisonment. The property stolen was worth Ksh. 4,000/= .

The same was recovered. Age assessment was carried on him and he was found to be over twenty (20) years. It is noted that he pleaded guilty to the charges and hence did not waste Judicial time. He has already served more than two (2) years imprisonment. That period is deemed to be enough punishment. The imprisonment term of four (4) years is hereby reduced to the term the Appellant has already served. He is set at liberty unless otherwise lawfully held.

**Judgment delivered dated and signed this 27th day of February, 2014.**

.....

**M. MUYA**

**JUDGE**

**27TH FEBRUARY, 2014**

**In the presence of:-**

**Learned State Counsel Miss Fundi**

**The appellant present in person**

**Court clerk Musundi**