



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA

AT MOMBASA

CRIMINAL APPEAL NO. 505 OF 2010

CHARO KAHASO GONA APPELLANT

VERSUS

REPUBLICRESPONDENT

(From original Conviction and Sentence in Criminal Case No. 216 of 2010 of the Senior Resident Magistrate's Court at Kaloleni – **Hon. Wewa - SRM**)

JUDGMENT

CHARO KAHASO GONA hereinafter referred to as the Appellant herein was charged with Arson contrary to section 332 (a) of the Penal Code and Convicted and Sentenced to life imprisonment on each of the three Counts.

The facts which were given by the prosecution were that the Appellant went home while drunk and ordered his parents to remove household goods from the houses of the three Complainants Kahasa Gona Rimba, Dama Rimba and Bilton Gona Rimba. He then proceeded to set fire on them. His main motive was revenge upon his parents for not educating him to the same level as his siblings.

The facts were read to him and he agreed that they were correct and he was Convicted on his own plea and Sentenced to life Imprisonment one each of the three Counts.

It is noted that whereas a classification of houses for the purposes of this offence may not be necessary the value of the house the extent of destruction ought to be indicated so that it could have a bearing during Sentencing.

On Sentencing the learned trial magistrate Sentenced the appellant to three life terms. There is no logic to such Sentencing as no man has more than one life term (at least on this earth). Since the value, nature and extent of the damage to the three houses is not shown - the Sentence of life imprisonment on the three Counts is varied and or reduced to six years imprisonment on each of the three Counts.

This Sentence to run Concurrently.

To that extent only does this appeal succeed.

Judgment delivered dated and signed this **14th** day of **February, 2014**.

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M. MUYA

JUDGE

14TH FEBRUARY, 2014

In the presence of:-

The State Counsel

The Appellant present

Court clerk Musundi