

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MOMBASA
CRIMINAL APPEAL NO. 234 OF 2011

JAMES MULAMBA MUGHENDI APPELLANT

VERSUS

REPUBLICRESPONDENT

(From original Conviction and Sentence in Criminal Case No. 64 of 2009 of the Senior Resident Magistrate's Court at Wundanyi – Hon. F. Munyi - RM)

JUDGMENT

The Appellant **JAMES MULAMBA MUGHENDI** was Convicted in the alternative count of handling stolen goods contrary to Section 322 (2) of the Penal Code and was Sentenced to three (3) years imprisonment.

The particulars being that:-

“On the 2nd day of February, 2009 at Mwawasi village Wundanyi Taita–Taveta County, otherwise than in the cause of stealing he dishonestly retained two (2) mattresses believing them to be stolen or unlawfully obtained”.

This appeal is on Sentence only as the appellant abandoned the grounds of Conviction.

The offence of handling stolen goods carries a maximum of fourteen (14) years imprisonment. The Accused was Sentenced to three (3) years imprisonment, which Sentence I find not to be harsh or excessive. The appeal has no merit and the Sentence and Conviction are found to be safe and are accordingly upheld.

Judgment delivered dated and signed this **11th** day of **April, 2014**.

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M. MUYA

JUDGE

11TH APRIL, 2014

In the presence of:-

Learned State Counsel Miss Mwaura

The appellant

Court clerk Musundi