

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAKURU

CRIMINAL APPEAL NO. 200 OF 2013

(From original conviction and sentence in criminal case No. 1969 OF 2013 of the Chief Magistrate's Court at Naivasha – Hon. S. M. Githinji, C.M.)

PETER KIHORO NDEREBA.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

Under Section 348 of the Criminal Procedure Code, (*Cap. 75, Laws of Kenya*), an appellate court is precluded from entertaining an appeal where a prisoner had pleaded guilty.

The accused pleaded guilty and was properly convicted. The law (Section 278A) provides for a sentence of 7 years. The prisoner was sentenced to 10 years. That sentence was illegal. It is set aside. In lieu therefore I sentence the Appellant to four (4) years imprisonment to run from the date of sentence in the lower court.

There shall be orders accordingly.

Dated and signed at Nakuru this 8th day of April, 2014

M. J. ANYARA EMUKULE

JUDGE