



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MOMBASA
CRIMINAL APPEAL NO. 43 OF 2013

MUSA MOHAMED GALGALO APPELLANT

VERSUS

REPUBLICRESPONDENT

(From original Conviction and Sentence in Criminal Case No. 536 of 2012 of the Principal Magistrate's Court at Voi – Hon. Wahome - PM)

JUDGMENT

MUSA MOHAMED GALGALO hereinafter referred to as the Appellant was Convicted and Sentenced to six (6) years imprisonment for the offence of being in possession a firearm without a firearm certificate contrary to Section 4(1) as read with Section 4(3) of the firearms Act and on the second Count of being in possession of ammunition without a firearm certificate contrary to Section 4(1) as read with Section 4(3) of the firearms Act.

The particulars are that:-

“On the 7th day of August, 2012 at Mackinon road Kwale County he was found in possession of a firearm make AK 47 rifle serial number 5C2504 without a firearm certificate.”

Particulars in the second Count are that:-

“He was also found with forty five (45) rounds of ammunition without a certificate”.

The Appellant pleaded guilty to the charges and was Convicted on his own plea.

Being aggrieved of that Courts decision and Sentence he filed this appeal which is on Sentence only.

Section 4(3) of the firearms Act provides for an imprisonment term of not less than seven (7) years for being in possession of a firearm without a certificate. The Accused was Sentenced to six (6) years imprisonment which was unlawful. Bearing in mind that he was treated as a first offender and that he pleaded guilty to the charges and hence did not waste precious Judicial time he is Sentenced to seven (7) years imprisonment on each Count which is the minimum Sentence provided by law.

The Sentence to run concurrently.

Judgment delivered dated and signed this **28th** day of **May, 2014**.

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M. MUYA

JUDGE

28TH MAY, 2014

In the presence of:-

Counsel for the State Mr. Kiprop

The Appellant absent

Court clerk Musundi