



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MOMBASA
CRIMINAL APPEAL NO. 217 OF 2012

ISAACK WAMBIRI KIMANI APPELLANT

VERSUS

REPUBLICRESPONDENT

*(From original Conviction and Sentence in Criminal Case No. 808 of 2011 of the Principal Magistrate's Court at Voi – **Hon. Nyakundi - SRM**)*

JUDGMENT

The Appellant **ISAACK WAMBIRI KIMANI** was Convicted and Sentenced to five (5) years Imprisonment for the offence of Stealing from a dwelling house contrary to Section 279 (b) of the Penal Code.

The particulars being that:-

“On the 20th day of November, 2011 at Sofia estate within Taita Taveta County he stole one Nokia mobile phone valued at Ksh. 4,200/= and cash Ksh. 2,000/= the property of CATHERINE WANJIRU”.

The Appellant pleaded guilty to the charge and was Convicted on his own plea of guilty. He was treated as a first offender. The Court ordered for his probation report which was not favourable for probation placement. The offence with which he was Convicted carries a maximum Sentence of fourteen (14) years Imprisonment.

The Accused stole a mobile of the value of Ksh. 4,200/= and cash Ksh. 2,000/=. The Sentence of five (5) years is harsh. It is reduced to three (3) years Imprisonment.

He will now serve three (3) years Imprisonment term from the time of his Conviction.

The appeal succeeds to that extent only.

Judgment delivered dated and signed this **16th** day of **May, 2014**.

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M. MU YA

JUDGE

16TH MAY, 2014

In the presence of:-

Learned State Counsel Mr. Ayodo

The Appellant present

Court clerk Musundi