



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MOMBASA
CRIMINAL APPEAL NO. 339 OF 2010

JACOB MWADILOAPPELLANT

VERSUS

REPUBLICRESPONDENT

JUDGMENT

JACOB MWADILO hereinafter referred to as the Appellant was Convicted and Sentenced to seven (7) years for the offence of Stealing Stock contrary to section 278 of the Penal Code.

The particulars being that on the night of 13th and 14th day of February, 2010 at Kishamba village Sagalla Location **Taita Taveta** County jointly, with another not before the Court stole one he goat valued at Ksh. 3,000/= the property of **JACKSON CHOLA**.

The Accused pleaded guilty to the charge and he was Convicted and Sentenced. He has appealed on the Sentence.

The offence of stealing stock contrary to section 278 of the Criminal Procedure Code carries a maximum Sentence of fourteen (14) years. The Appellant was treated as a first offender. He stole one goat of the value of Ksh. 3,000/= which was recovered.

The Sentence of seven years (7) is found to be harsh and its reduced and or varied to the term he has already served. He is set at liberty unless otherwise lawfully held.

Judgment dated and delivered in open Court this 31st day of July, 2013.

.....

M. MUYA

JUDGE

31ST JULY, 2013

In the presence of:

The State Counsel Mr. Tanui

Appellant present

Court clerk Musundi