

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT ELDORET

CRIMINAL APPEAL NO. 176 OF 2010

PETER NJOROGE RUMBA APPELLANT

=VERSUS=

REPUBLIC RESPONDENT

JUDGEMENT

The appellant, **PETER NJOROGE RUMBA**, was convicted for the offence of **Burglary contrary to Section 304(2), and Stealing contrary to Section 279 (b) of the Penal Code**

He was then sentenced to seven (7) years imprisonment. In his petition of Appeal, the appellant had sought to challenge both the conviction and sentence. However, when the appeal came up for hearing, the appellant made it clear that he was only interested in having the sentence reduced.

Ms. Ruto, learned state counsel, submitted that the sentence was lawful. The offence of stealing contrary to section 279(b) attracts a sentence of 14 years imprisonment. Meanwhile, the offence of Burglary contrary to section 304 (2) of the Penal Code attracts a sentence of 10 years imprisonment.

As the learned trial magistrate handed down a sentence of 7 years imprisonment, I find that that was well within the law.

The appellant has not demonstrated to this court that there was any basis for interfering with that sentence.

Accordingly, this appeal is dismissed.

DATED, SIGNED AND DELIVERED AT ELDORET,

THIS 23RD DAY OF OCTOBER, 2013.

FRED A. OCHIENG

JUDGE.