



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT KERUGOYA**  
**CRIMINAL APPEAL NO. 86 OF 2012**

**DANSON IRUNGU MAINA..... APPELLANT**

**VERSUS**

**REPUBLIC .....RESPONDENT**

**(APPEAL ARISING FROM THE JUDGMENT OF THE PRINCIPAL MAGISTRATE'S COURT  
AT BARICHO (S. JALANGO – R.M) IN CRIMINAL CASE NO. 644 OF 2011 DELIVERED ON  
9<sup>TH</sup> NOVEMBER 2012)**

**JUDGMENT**

The appellant was convicted on 9<sup>th</sup> November 2012 for the offence of malicious damage to property. It was alleged that on the night of 17<sup>th</sup> and 18<sup>th</sup> June 2012 at Kibiru area in Kirinyaga West District, he willfully and unlawfully damages road guard rails. The value of the road guard rails was not indicated but he was sentenced to four (4) years imprisonment.

He has filed an appeal against conviction and sentence but during the appeal, he conceded the conviction and urged me to reduce the sentence. The State was willing to accept a reduction.

The record shows that appellant was a first offender. The value of the damaged property was not indicated only that it was road guard rails.

The sentence is accordingly reduced to two (2) years imprisonment from the date of his conviction.

**B.N. OLAO**

**JUDGE**

**18<sup>TH</sup> OCTOBER, 2013**

**Judgment delivered this 18<sup>th</sup> day of October, 2013.**

**Mr. Omayo for State present**

**Mr. Muriithi Court clerk present**

**Appellant present.**

**B.N. OLAO**

**JUDGE**

**18<sup>TH</sup> OCTOBER, 2013**