



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERUGOYA

CRIMINAL APPEAL NO. 207/2013 CORRABORATE WITH 208/2013

EPHANTUS MUTIRIA MWAMBA 1ST APPELLANT

DICKSON NJERU GASUKU 2ND APPELLANT

VERSUS

REPUBLICRESPONDENT

**(APPEAL ARISING FROM THE JUDGMENT OF THE SENIOR RESIDENT MAGISTRATE'S
COURT AT BARICHO (J.N. MWANIKI – S.R.M) IN CRIMINAL CASE NO. 796 OF 2009
DELIVERED ON 26TH MARCH 2010)**

JUDGMENT

The two appellants herein EPHANTUS MUTIRIA MWAMBA and DICKSON NJERU GACUKU were on 26th March 2010 convicted for the offence of Home breaking and stealing and sentenced to six (6) years imprisonment.

They have filed this appeal against both sentence and conviction but at the hearing of the appeal, they abandoned the appeal against conviction and urged me to reduce their sentence.

The State through Mr. Omayo conceded the appeal on sentence.

According to the charge sheet, the value of the stolen goods was Ksh. 34,330/=. The appellants were both first offenders and have now served some three years and seven months in prison. That in my view, is sufficient punishment. The sentence is reduced to the period already served and they are hereby released unless otherwise lawfully held.

B.N.OLAO

JUDGE

18TH OCTOBER, 2013

Judgment delivered this 18th day of October 2013.

Mr. Omayo State Counsel present

Mr. Muriithi Court clerk present

Appellants both present.

B.N. OLAO

JUDGE

18TH OCTOBER, 2013