

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT BUNGOMA

CRIMINAL REVISION CASE NO. 27 OF 2013

REPUBLICRESPONDENT

VERSUS

PHILIP WAFUBWAAPPELLANT

ORDER

I have perused the CSO report which is not favourable as the home environment is not conducive for community rehabilitation.

The inmate was convicted on a charge of stock theft contrary to section 278 of the Penal Code being theft of one cow valued at Kshs. 9,000/=. He was sentenced to serve 5 years imprisonment on 1.7.2011. I have taken into account the value of the animal, the animal was recovered from the appellant while trying to sell it. This means the appellant did not benefit from his mischief.

In my view, taking into account the value of the animal and the foregoing observation, the appellant has served a period sufficient for punishment. However, I will give him time to enable him complete his carpentry course he is currently undertaking in prison. I therefore revise the sentence downwards to 3 years.

ISSUED AT BUNGOMA THIS 18TH DAY OF OCTOBER 2013

A. OMOLLO

JUDGE.