

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT EMBU

CRIMINAL APPEAL NUMBER 117 OF 2011

RICHARD GITONGA NJOGU.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

(Being an appeal from the original conviction and sentence in Siakago Criminal Case 63 OF 2011 by A.N. Tuta DM II on 8th July, 2011)

JUDGMENT

The appellant appeals against conviction on two counts of obtaining by false pretence contrary to section 313 of the Penal Code. He was sentenced to two consecutive terms of two and a half years on each counts. The proceedings are clear that the offence are back to back transaction which in the circumstances ought to have attracted a concurrent rather than a consecutive sentence.

In the circumstances, I set aside the sentence and substitute it with one sentence on the two counts for the time served. The appellant shall be released unless otherwise lawfully held.

D.A.S MAJANJA

JUDGE

17.10.13

Court:

Judgment read and delivered in open court this 17th day of October, 2013

D.A.S MAJANJA

JUDGE

17.10.2013

In the presence of

Mr Njogu for state

Appellant

Njue – Court clerk.