



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT EMBU
CRIMINAL APPEAL NUMBER 99 OF 2012

ROBERT MACHARIA NJERU.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

*(Being an appeal from the original conviction and sentence in Siakago Criminal Case No 565 of 2009
by A.N. Makau – DM II on 1st September, 2011)*

JUDGMENT

The appellant has indicated that he does not want to pursue the appeal against conviction but wished to be released as he has almost completed his sentence.

Learned counsel for the prosecution does not oppose the appeal on those terms.

I have noted the appellant's plea and according to the record, his co-accused were released on probation but he was not considered fit for probation. As he has stayed in prison, I am sure he has learnt the errors of his ways. I therefore allow the appeal to the extent that sentence of 2 years is quashed and substituted with one for time served. The appellant shall however be bonded to keep the peace for a period of one year. He shall be released forthwith unless 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