

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT EMBU

CRIMINAL APPEAL NUMBER 13 OF 2013

ZEPHANIA NJUE NATHAN.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

(Being an appeal from the original conviction and sentence in Siakago Criminal Case 210 of 2013 by S.M. Mokuu S.P.M on 22nd April, 2013)

JUDGMENT

The appellant was convicted on two counts of obtaining money by false pretenses. He was sentenced to 2 years imprisonment on both counts, both sentences to run concurrently. He appeals on the ground that sentence was harsh and excessive as he pleaded guilty. The Magistrate considered that the conduct for which he was accused ought to be discouraged.

In my view, the learned Magistrate ought to have taken into account the fact of the guilty plea and the age of the appellant. In the circumstances, I allow the appeal and substitute it for a sentence of one year imprisonment however the balance of the term shall be served on probation.

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.