



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT EMBU**

**CRIMINAL APPEAL NO. 98 OF 2012**

JOHN NYAGA NGARI.....APPELLANT

VERSUS

REPUBLIC.....PROSECUTOR

**From Original conviction and sentence in criminal Case No. 246 of 2010 at the Principle Magistrate's Court at Siakago by Hon. S.M. MOKUA- PM on 26/5/2011**

**J U D G M E N T**

**JOHN NYAGA NGARI** was charged of the offence of Arson Contrary to Section 332 (a) of the Penal Code. He pleaded not guilty to the charge and the case proceeded to full hearing. He was finally convicted on 26/5/2011 and sentenced to four (4) years imprisonment. He cited several grounds of appeal. However when the appeal came for hearing today (16/10/2013) he abandoned his appeal on conviction and only pursued the the one on sentence.

Ms Ingahizu Law State Counsel submitted that the conviction and sentence were lawful but she did not oppose the appeal against sentence.

I have read through the record and I am satisfied that the appellant was convicted on correct principles. There was sufficient evidence. He has also abandoned his appeal against conviction. He has served most of the sentence and is left with about 90 days to go. His appeal on sentence is allowed. The sentence is reduced to the period already served.

He will be released unless otherwise lawfully held under a separate warrant.

Delivered, Signed and dated at Embu this 16th day of October 2013

**H.I. ONG'UDI**

**JUDGE**

**In the presence of:**

**Miss Ingahizu- State**

**Appellant – present**

**Mutero/Kirong- CC**