

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KAKAMEGA
CRIMINAL APPEAL NO. 108 OF 2011

1. BENARD BUKHALA
2. WICKLIFFE HIZOZO..... APPELLANTS
3. NICKSON KAZIANI
4. MIHESO ERIC

VERSUS

REPUBLICRESPONDENT

RULING ON SENTENCE

In this matter involving four (4) appellants who appealed to the High Court, the High Court delivered its judgment on 18th December 2012. In the judgment, the court upheld conviction and found that the matter was suitable for the appellants to be placed on Community Service Orders under Section 3 (1) of the Community Service Orders Act. Sentence was therefore left for determination later. The court ordered that reports of the Probation Officer be filed in court to determine the appropriate sentence.

The reports of the Probation Officer were brought before me on 18th November, 2013. Mr. Akwala for the appellants and Mr. Oroni for the State, were all of the view that I pronounce the sentence, though the appeal judgment was delivered by Thurania, J. who is now in Machakos.

I have perused the respective Probation Officer's reports. Having done so, I order that if the appellants have not completed serving their prison sentences, they will to serve as follows –

Benard Bukhala will perform Community Service at Shibuye Chief's Camp for the remainder of his prison sentence.

Wycliffe Hizozo will perform community service at Shibuye Chief Camp for the remainder of his prison term.

Nickson Kaziani is put on Probation for the remainder of his prison term.

Miheso Eric is put on Probation for the remainder of his prison sentence.

If the appellants have served their prison sentences, the above orders will not apply.

It is so ordered.

Dated and delivered at Kakamega this 21st day of November, 2013

George Dulu

JUDGE