



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT MOMBASA**  
**CRIMINAL APPEAL NO. 250 OF 2011**

**ULEDI ALI ..... APPELLANT**

**VERSUS**

**REPUBLIC .....RESPONDENT**

**(From original Conviction and Sentence in Criminal Case No. 108 of 2011 of the Senior Resident  
Magistrate's Court at Kaloleni – Hon. Sylvia Wewa - SRM)**

**JUDGMENT**

**ULEDI ALI** hereinafter referred to as the Appellant was Convicted and Sentenced to four (4) years imprisonment for the offence of stealing contrary to section 275 of the Penal Code.

The particulars are that on the 6th day of April, 2011 at Kwa Safari stage in Rabai – Kilifi County, he stole one motor cycle registration number KMCL 406U make Haojin red in colour and of the value of Ksh. 63,000/= the property of **LINA MULONGO FURAHA**.

The appellant pleaded guilty to the charge and was convicted on his own plea and sentenced to four (4) years imprisonment.

The maximum sentence for the offence of stealing contrary to section 275 of the Penal Code is three (3) years. The sentence of four (4) years was therefore illegal.

It is noted that he was treated as a first offender. The motor bike was recovered. He did not waste Judicial time.

He was convicted on 20th April, 2011. He has served more than two (2) years imprisonment term. That period is deemed enough punishment. It is ordered that the four (4) years imprisonment term be and is hereby reduced to the period he has already served.

He is set at liberty unless otherwise lawfully held.

Judgment dated and delivered this **16th** day of **December, 2013**.

.....

**M. MUYA**

**JUDGE**

**16TH DECEMBER, 2013**

**In the presence of:-**

State Counsel Mr. Mureithi

Thee Appellant present

Court clerk Badru