



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KISUMU

CRIMINAL APPEAL NO. 193 OF 2010

(Appeal from the Judgment of the Kisumu CM'S Court in CR. CASE NO. 845 OF 2003)

VICTOR NDANYI SAMUCHI.....APPELLANT

-VERSUS-

REPUBLIC.....RESPONDENT

RULING ON SENTENCE

The appellant was convicted of the offence of robbery with violence an offence which is on the rise not just in this region but Countrywide. The appellant was part of a gang that was armed with a pistol amongst other dangerous weapons.

The appellant has mitigated. We appreciate the same and are indeed of the view that he deserves a second chance in life. He is young and likely to reform. He has been in prison for some time now, however he must be punished for the serious offence he committed for this to be a lesson to him and those like him.

We shall in the circumstances replace the death sentence with a custodial sentence. We are of the view that 10 years imprisonment will be appropriate. The same will run from today's date.

DATED AND DELIVERED THIS 14TH FEBRUARY, 2012.

ALI-ARONI
JUDGE

H. K. CHEMITEI
JUDGE

In the presence of:

..... for State

..... Appellant present in person.