

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MALINDI

CRIMINAL APPEAL 89 OF 2009

(From Original Conviction and Sentence in Criminal Case No. 730 of 2009 of the Chief Magistrate's Court at Malindi – before C. Ocharo, RM)

JOHN KATANA CHARO APPELLANT

- versus -

REPUBLIC RESPONDENT

J U D G M E N T

The sentence meted out was evidently excessive in light of the fact that the appellant was a first offender and that the animal was recovered. The appellant has served a substantial chunk of his sentence. I agree with the State that the sentence was manifestly excessive and would reduce it to the period already served so that the appellant is set at liberty unless otherwise lawfully held.

Dated and delivered at Malindi this 24th day of May, 2012 in the presence of the appellant, Mr. Kemo for the State, CC Evans.

C. W. MEOLI
JUDGE