

REPUBLIC OF KENYA

High Court at Mombasa

Criminal Appeal 328 of 2008

MUTUNGA KAMUNZOAPPELLANT

VERSUS

REPUBLICRESPONDENT

(From the Original Conviction and Sentence in the Criminal Case No. 2977 of 2008 of the Chief Magistrate's Court at Mombasa: H.B. YATOR – RM)

JUDGMENT

This appeal is conceded by state. The appellant was convicted on the charge of theft from person contrary to Section 279(a) of the penal code and sentenced to serve seven (7) years imprisonment. He pleaded guilty to the charge. There is no evidence that he has previous records. He was treated as a first offender. It is concluded that he stole a phone the value of Ksh. 2,500/=.

Clearly a sentence of seven (7) years is manifestly excessive. He has already served a period of more than four (4) years. I am satisfied that this is sufficient punishment. The sentence of seven (7) years imprisonment is accordingly reduced to the term the appellant has already served.

Judgment read and delivered in open Court this **31st** day of **October, 2012**.

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M. MUYA
JUDGE

In the presence of:-

Mr. Jami the State Counsel

Court clerk – Musundi

Accused