



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAKURU**

**CRIMINAL APPEAL NO.332 OF 2010**

**(CONSOLIDATED WITH CRIMINAL APPEAL NO.333 OF 2010)**

**DANIEL LORKUPA.....1<sup>st</sup> APPELLANT**  
**SAYAKI LENTAPACH.....2<sup>ND</sup> APPELLANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**(An Appeal from original conviction and sentence in Maralal SNR.R.M.CR.C.NO.630 OF 2010 by  
Hon A. K. ITHUKU Senior Resident Magistrate, dated 13<sup>th</sup> October, 2010)**

**JUDGMENT**

The appellants in this consolidated appeal were convicted on their own plea of guilty to the offence of breaking into a building and committing a felony contrary to **section 306 (a)** of the **Penal Code**. They were sentenced to an imprisonment term of five (5) years. They were aggrieved by the sentence and have brought this appeal arguing that the sentence was excessive.

This court, by dint of **section 348** of the **Criminal Procedure Code** can only interfere with a sentence arising from a plea of guilty if the same is illegal or excessive. The sentence provided for the commission of the offence with which the appellants were charged is seven years imprisonment. The sentence of five (5) years imposed by the trial court is neither excessive nor illegal. The appeal fails and is dismissed.

**Dated, Delivered and Signed at Nakuru this 17<sup>th</sup> day of May, 2011.**

**W. OUKO**  
**JUDGE**