



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT ELDORET**

**CRIMINAL APPEAL NO. 41 OF 2008**

**DOUGLAS KIBIWOTT LIMO ..... APPELLANT**

**VERSUS**

**REPUBLIC ..... RESPONDENT**

**RULING**

The appeal may be incompetent but has been filed by the appellant in person. He is not conversant with the law being a layman to know whether or not he ought to have filed the appeal. He may be forgiven.

Since the appeal is on sentence, the Court may not interfere with the exercise of discretion by the lower Court in sentencing unless of course, the sentence imposed was harsh and excessive or that it was unlawful.

Herein the sentence of seven (7) years imprisonment was within the law but for a first offender it was on a higher side considering that the stolen animals were recovered.

Consequently, the appeal is allowed to the extent that the sentence of seven (7) years imprisonment is now reduced to three (3) years imprisonment.

**J. R. KARANJA**

**JUDGE**

**14/7/2011**