



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAKURU**

**CRIMINAL APPEAL NO.176 OF 2008**

**FRANCIS NGURE.....APPELLANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**[An Appeal from original conviction and sentence in Naivasha S.P..M.CR.C.NO.387 of 2008 (K) by Hon F. K. Gitonga, Senior Resident Magistrate dated 5<sup>th</sup> August, 2008 ]**

**JUDGMENT**

The appellant pleaded guilty to the offence of **bar breaking and stealing** contrary to **section 306(a)** of the **Penal Code**. He was sentenced to four (4) years imprisonment on 5/8/2008.

Considering that he has almost served the sentence, the fact that he pleaded guilty, he is a first offender and was remorseful, it was harsh to impose the above sentence. This appeal is allowed on the sentence which is reduced to the period already served.

Appellant will be set at liberty forthwith unless lawfully held.

**Dated, Signed and Delivered at Nakuru this 25<sup>th</sup> day of October, 2011.**

**W. OUKO  
JUDGE**