

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT BUSIA

Criminal Appeal 10 of 2010

DEOGRATIOUS KEDDI -----APPEALLANT

-VERSUS-

REPUBLIC -----RESPONDENT

J U D G M E N T

The appellant was convicted of stealing stock Contrary to Section 278 of the Penal code. He pleaded guilty and was sentenced to 4 years imprisonment. He has served 1 year and 8 months. He seeks reduction of the sentence on the ground that he pleaded guilty and saved the State of time and funds.

The trial Magistrate appears to have taken into account the fact that the appellant was remorseful. He however appears not to have considered the fact of the appellant having pleaded guilty.

I have considered the grounds of appeal and taken into account the fact that Republic opposes the appeal. Had the trial magistrate taken into account the plea of guilty specifically, he might have given a lesser sentence.

In these circumstances I will reduce the sentence from 4 years to 2 ½ years.

Orders accordingly.

Dated and delivered at Busia on 3rd day of March 2010.

D.A. ONYANCHA
J U D G E
3/03/10