



**REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT ELDORET**

Criminal Appeal 61 of 2009
(From the Original Sentence and Conviction in CM.CRC.NO.
5398 of 2008 by the Resident Magistrate Alice Mong'are)

FRANKLINE MULUKA:.....APPELLANT

VERSUS

REPUBLIC:.....RESPONDENT

JUDGMENT

This is an Appeal against sentence. The Appellant was convicted of the offence of preparing to commit a felony contrary to section 308(1) of the Penal Code. He was found guilty convicted and sentenced to serve a term of 7 years imprisonment. At the hearing of his appeal the Appellant stated that 7 years is long and he wishes that he was sentenced to serve two years imprisonment. He said that he has learned his lesson and has been trained as a carpenter and converted to Christianity and prays that he be released upon which he will go back and preach that his fellow youth obey the law.

The offence that the Appellant was convicted of carries a minimum of 7 years and a maximum of 15 years in jail as per section 308 (1) of the Penal Code chapter 63 of the Laws of Kenya. The Appellant got the minimum. My hands are tied by the Law and in any case the conviction was rightful. This appeal has no merit. It is accordingly dismissed.

DATED AND DELIVERED AT ELDORET THIS 4TH

DAY OF MARCH 2010.

**P.M.MWILU
JUDGE**

IN THE PRESENCE OF:-

Paul Ekitela - Court clerk

Present - Appellant

Kabaka - State Counsel.