

**REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU
CRIMINAL APPEAL NO. 114B OF 2009
CONSOLIDATED WITH
CRIMINAL APPEAL NO. 129 OF 2010**

(From original conviction and sentence in criminal case No. 1931 of 2008 of the Principal Magistrate's Court at Molo - G. Sagero {R.M.})

WESLEY CHEBII TANUI.....1ST APPELLANT
DANIEL YANO CHEBII.....2ND APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

JUDGMENT

The Appellants were convicted on their own plea of guilty to the offence of stock theft contrary to Section 278 of the Penal Code, (Cap. 63, Laws of Kenya). The maximum punishment for that offence is 14 years imprisonment. They were sentenced to seven years. They profited from the sale of ten sheep and deserve to be punished. They are however young people, with young families. Under Section 348 of the Criminal Procedure Code, (Cap. 75, Laws of Kenya), they have applied on the ground of sentence only. Learned State Counsel says, the sentence of 7 years was harsh in the circumstances.

In the circumstances and in exercise of the powers vested in this court by Section 354(3)(b) of the Criminal Procedure Code I reduce the sentence of seven (7) years to 3 years on each of the Appellants.

There shall be orders accordingly.

Dated, delivered and signed at Nakuru this 20th day of May, 2010

**M. J. ANYARA EMUKULE
JUDGE**