



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NAKURU**  
**Criminal Appeal 128 & 134 of 2010**  
*(From original conviction and sentences in Eldama Ravine RM Criminal  
Case Nos. 1333 of 2007 and No. 1308 of 2007 – D.M. MACHAGE, RM)*

**HARRISON MAINA KAMAU.....APPELLANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**JUDGMENT**

**HARRISON MAINA KAMAU**, the appellant, was upon trial before the Resident Magistrate at Eldama Ravine on a charge of stock theft contrary to **Section 278** of the **Penal Code** convicted and sentenced to 5 years imprisonment. He appealed against both conviction and sentence.

At the hearing he abandoned the appeal against conviction and pleaded that his sentence in this case do run concurrently with the one in Eldama Ravine RM Criminal Case No. 1333 of 2007 in which he was sentenced to 4 years imprisonment for another stock theft case. Mr. Nyakundi for the state submitted that the sentence of 5 years imprisonment against the 14 years imprisonment term for the offence is not harsh and urged me to dismiss this appeal.

The object of imprisonment is to reform the offender. The appellant in these appeals faces two imprisonment terms totaling to 9 years imprisonment. In Criminal Case No. 1333 of 2007 (Appeal No. 134 of 2010) the complainant's cow was recovered. In Criminal Case No. 1308 of 2007 (Criminal Appeal No. 128 of 2010) one of the two bulls the appellant stole was not recovered.

Taking all these factors into account I order that the terms of imprisonment in the two cases do run concurrently. That means that the appellant shall serve a total of 5 years imprisonment in the two appeals.

**DATED and DELIVERED this 17<sup>th</sup> day of June, 2010.**

**D. K. MARAGA**

**JUDGE.**