



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

**Criminal Appeal 123 of 2010**

*(From original conviction and sentence in Criminal Case No. 627 of 2009 of the Principal Magistrate's court at Molo – G. SAGERO, RM)*

JOHNSON MWANGI IKAU.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

**JUDGMENT**

JOHNSON MWANGI IKAU, the appellant, was upon his own plea of guilty to a charge of stock theft contrary to **Section 278** of the **Penal Code** convicted and sentenced to 4 years imprisonment. He has appealed against that sentence. In his submissions he said he is the bread winner of his family and his imprisonment is causing hardship to the family. He also claims to have since reformed and prays for leniency. Mr. Nyakundi for the state left the matter to the court. The stolen calf was recovered. The appellant has been in incarcerated since 18<sup>th</sup> March 2009 I think he has learnt his lesson. I therefore reduce his sentenced for a term that will secure his immediate release. He shall therefore be released forthwith unless otherwise lawfully held.

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

**D. K. MARAGA**  
**JUDGE.**