



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT BUNGOMA
Criminal Appeal 80 of 2008

(From original WBY CR. NO.1458 of 2007).

VINCENT INGOSI ALUDA :::::::::::APPELLANT

~VRS~

REPUBLIC :::::::::::RESPONDENT

JUDGMENT

The Appellant Vincent Ingosi Aluda was convicted of the offence of robbery contrary to section 296 (1) of the Penal Code and sentenced to serve seven (7) years imprisonment. He appeals against conviction and sentence.

The state opposed the appeal on grounds that the Appellant stands barred by section 348 of the Criminal Procedure Code to appeal against conviction since he pleaded guilty to the charge. Mrs Leting submitted that the sentence was reasonable in the circumstances.

The Appellant was convicted on his own plea of guilty. The facts of the case were read and he admitted them before conviction. There are no issues raised in the petition of appeal to justify re-opening the chapter of conviction. I therefore uphold the conviction accordingly.

In regard to sentence, the Appellant in mitigation asked for the forgiveness of the court. I believe he meant leniency not forgiveness. He said both his parents are deceased. He was a first offender. The maximum sentence for the offence is fourteen (14) years. The offence was committed at night when the complainant was a sleep in his house and several valuable items were taken away all valued at Ksh.32,000/=. I do not find the sentence imposed harsh or excessive. I find no reason to interfere with it and I uphold it accordingly. The result is that this appeal is dismissed.

F. N. MUCHEMI

JUDGE

Judgment dated and delivered on the 17th day of June, 2010 in the presence of the Appellant and the State Counsel Mrs Leting.

F. N. MUCHEMI

JUDGE

