



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT BUNGOMA**  
**Criminal Appeal 74 of 2008**  
JAMES SIRGOI KIRONG.....APPELLANT  
~VRS~  
REPUBLIC.....RESPONDENT

**JUDGMENT**

The Appellant James Sirgoi Kirong was convicted of three offences being one count of arson contrary to section 332 of the Penal Code and two counts of malicious damage to property contrary to section 339 (1) of the Penal Code. He was sentenced to imprisonment for four (4) years, one year and one year respectively. The sentences were to run concurrently. The appeal is against sentence only.

In his petition, the Appellant does not say that the sentence is harsh or excessive. His only plea is that he is remorseful and that the complainants have now agreed that the Appellant can be released because his siblings are suffering without him. This is information the court cannot confirm. The Appellant continues to state that he has now learnt a lesson having spent more than one year in prison. He claims his parents died and that he has eight (8) children who depend on him.

The appeal was opposed by the state on grounds that the maximum sentence for arson under section 332 is life imprisonment and for malicious damage to property under section 339 (1) is ten (10) years imprisonment. The sentences imposed were therefore reasonable.

The Appellant is only pleading for leniency giving a host of reasons why he should be released. I agree with the state that the Appellant was accorded very lenient sentences by the lower court. I find that this appeal has no merit. The sentences in the three (3) counts are hereby confirmed.

**F. N. MUCHEMI**  
**JUDGE**

Judgment dated and delivered on the 13<sup>th</sup> day of July, 2010 in the presence of the Appellant and the State Counsel Mrs. Leting.

**F. N. MUCHEMI**  
**JUDGE**