

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

Criminal Appeal 26 of 2007

SHADRACK NALIMO APPELLANT

VERSUS

REPUBLIC RESPONDENT

JUDGEMENT

I have considered the appeal and the Submissions by the Appellant. He has prosecuted the appeal against sentences only.

The Republic has no objection. It is noted that the Probation Officer's Report was favourable to the accused.

I do note that the Appellant has served his sentence on Count 2 and that he has served 2/3 of the sentence in Count 1. With remission he should be released anytime.

I agree that the sentences were excessive and harsh. I do hereby allow the appeal on sentences. I set aside and quash the sentence of the trial Court. The Appellant is sentenced to imprisonment for a period of eighteen (18) months in respect of Count 1 and twelve (12) months in respect of Count 2. Since he has served the said sentences, I do hereby order that he be released immediately from prison custody unless otherwise lawfully held.

Orders accordingly.

DATED AND DELIVERED AT ELDORET ON THIS 15TH DAY OF JANUARY, 2009.

M. K. IBRAHIM

JUDGE

In the presence of:

Mr. Chirchir for the State

Appellant in person