

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA
AT NAKURU

Criminal Appeal 207 of 2008

(From original conviction and sentence in Criminal Case No. 1267 of 2008 of the Principal Magistrate's court at Molo – S.M.S. SOITA, PM)

GEOFFREY KAMAU KAHUTHU.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

JUDGMENT

GEOFFREY KAMAU KAHUTHU, the appellant, was upon his own plea of guilty to a charge of housebreaking contrary to **Section 304(1)** and stealing contrary to **Section 279(b)** of the **Penal Code** convicted and sentenced to 30 months imprisonment on each limb and the sentences were ordered to run concurrently. He has appealed against that sentence. Mr. Gumo for the state left the matter of sentence to me.

In his submissions, the appellant contended that he has reformed and prays for the reduction of the sentence. He says he was one of those affected by the post election clashes of last year and as a result of his imprisonment his family is in dire need of help.

I have considered the appellant's submissions. Given the fact that the stolen radio was recovered and the appellant has served about a half of the sentence imposed upon him I reduce it to a term that will secure his immediate release. The appellant shall therefore be released forthwith unless otherwise lawfully held.

DATED and delivered at Nakuru this 25th day of November, 2009.

D. K. MARAGA

JUDGE.