

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
OF KISII
Criminal Appeal 52 of 2007

PATRICK AMORO NYABUTO APPELLANT

VERSUS

REPUBLIC RESPONDENT

**(From original conviction and sentence of the Senior Resident Magistrate's Court at Keroka,
Criminal Case No.174 of 2007 by Samwel Kahome, SRM)**

JUDGMENT

The appellant was convicted on his own plea of guilty to a charge of **Stealing Stock** contrary to **Section 278** of the **Penal Code**. He had stolen one cow and one calf. He was sentenced to seven years, imprisonment. He appealed against the sentences saying that the same was harsh.

Mr. Kemo, Principal State Counsel was of the same view, considering that the appellant was a first offender and the cow was recovered.

I agree that the sentence was rather harsh. The appellant has been in jail for more than one year and I believe he has been punished sufficiently. But more importantly, I believe that he has been reformed. Consequently, I allow the appeal and reduce the sentence to the period already served. The appellant is set at liberty unless otherwise lawfully held.

DATED, SIGNED and DELIVERED at KISII this 29th day of April, 2008.

D. MUSINGA

JUDGE.

Delivered in open court in the presence of:

Mr. Kemo, Principal State Counsel

N/A for appellant

D. MUSINGA

JUDGE

