

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NYERI

Criminal Appeal 256 of 2007

JAMES MUIRURI KIARIEAPPELLANT

Versu

REPUBLICRESPONDENT

(Being an appeal against the conviction and sentence by S. M. MOKUA, Senior Resident Magistrate, in the Senior Resident Magistrate's Criminal Case No. 2687 of 2006 at KIGUMO)

JUDGMENT

The appellant was charged in the lower court with ***Robbery contrary to Section 296(1) of the Penal Code***. After trial the appellant was convicted as charged and was sentenced to six years imprisonment. He has preferred this appeal and although initially his appeal was against conviction and sentence, at the hearing he abandoned his appeal against conviction and proceeded with the appeal against sentence. In his submissions he stated that he was unable to follow the proceedings in the lower court and requested the court to reduce the sentence. The learned State Counsel opposed the appeal on the basis that the six years imprisonment was very lenient.

I have considered the appeal against sentence. The maximum sentence provided by law for this offence is 14 years. The appellant was said to be a first offence. Bearing that in mind I do hereby set aside the sentence passed by the lower court on 22nd August 2007 and I do instead substitute it with a sentence of four years and that sentence shall begin to run from 22nd August 2007.

DATED AND DELIVERED THIS 28TH DAY OF JULY 2008

MARY KASANGO

JUDGE