

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MACHAKOS

Criminal Misc. 154 of 2008

CLEMENT MOKAYA OCHOGI ACCUSED

VERSUS

REPUBLIC.....RESPONDENT

JUDGMENT

1. I have now seen the Grounds of Appeal in this matter and noted that the only ground argued by Mr Mutuku is sentence. I have gone through the record and I note that the Appellant admitted the offence and the plea was properly taken.
2. However, in sentencing the accused person, the learned magistrate sentenced him to one year in prison in each of the 3 counts. The law as set out in **Reuben vs R** is that where the offences stem from the same event, the proper sentence to give is a concurrent sentence.
3. I will therefore, allow the appeal limited only to the one year sentences in each of the 3 counts to run **concurrently** and not **consecutively**.
4. Orders accordingly.

Dated and delivered at Machakos this 25th day of **November** 2008.

ISAAC LENAOLA

JUDGE