

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU
Criminal Appeal 126 of 2007

ANTHONY WAMBUGU MUTURIAPPELLANT

VERSUS

REPUBLIC.....RESPONDENT

JUDGMENT

ANTHONY WAMBUGU MUTURI, the Appellant, with another were, in Nyahururu PM Criminal Case No.4977 of 2006, charged with three counts of house breaking contrary to **Section 304(1)** and stealing in a dwelling house contrary to **Section 279(b)** and three counts of handling stolen property contrary to **Section 322(2)** of the **Penal Code**. The two were also charged with stealing contrary to **Section 275** of the **Penal Code**. They pleaded not guilty. After trial the Appellant's confederates was acquitted of all the charges for lack of evidence but the Appellant was convicted on counts one, two, three and four. He was sentenced to four years imprisonment on each limb of counts one, two and three and one years imprisonment on count four. The sentences on each count were ordered to run consecutively. He has appealed against both the conviction and the sentences.

At the hearing of the appeal the Appellant abandoned the appeal against conviction and pleaded for the reduction of the sentences. Mr. Mugambi, the learned state counsel, left the matter to me.

I have considered the fact that the Appellant has abandoned the appeal against conviction and on sentence I have considered the seriousness of the offences the Appellant committed. The sentences imposed upon him are lawful but having taken into account the Appellant's plea in mitigation I reduce them to a total term of six years imprisonment.

Save for the said reduction, this appeal is hereby dismissed in its entirety.

DATED and delivered at Nakuru this 11th day of December, 2008.

D. K. MARAGA

JUDGE