



**REPUBLIC OF KENYA**  
**IN THE COURT OF APPEAL OF KENYA**  
**AT NAKURU**

**Criminal Appeal 25A of 2008**

**SAMMY KARANJA WAWERU alias KAUSI...APPELLANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**JUDGMENT**

**SAMMY KARANJA WAWERU alias KAUSI**, the Appellant, was with two others charged with house breaking contrary to **Section 304(1)** and stealing contrary to **Section 279(b)** of the **Penal Code**. His co-accused pleaded guilty to the charge and were sentenced to thirty and eighteen months imprisonment on the first and the second limbs respectively. The Appellant pleaded not guilty but after trial he was convicted of the offence and given the same sentence. He has appealed against both the conviction and sentence.

At the hearing of the appeal the Appellant abandoned the appeal against conviction and pleaded for the reduction of the imprisonment term describing it as harsh. He also said that his children were displaced by the post-election clashes and are now loitering in town. He pleaded for the reduction of his imprisonment term so that he can go home and take care of them. Mr. Gumo for the state left the issue of sentence to me.

Having considered the appeal I find no good reason to give the Appellant preferential treatment. His co-Accused who pleaded guilty to the charge were sentenced to a total of 30 months imprisonment. Having pleaded not guilty and tried the Appellant is lucky to have been given the same sentence as his co-Accused. This appeal has no merit and I hereby dismiss it in its entirety.

**DATED and delivered at Nakuru this 11<sup>th</sup> day of December, 2008.**

**D. K. MARAGA**

**JUDGE**