



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT MALINDI**  
**Criminal Appeal 8 of 2005**

**JOSEPH MUREITHI NATHAN.....APPELLANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**JUDGMENT**

The appellant, Joseph Mureithi Nathan was convicted and sentenced to one year imprisonment for the offence of breaking into a building and committing a felony contrary to Section 306 (A) of the Penal Code and seven (7) years imprisonment for preparation to commit a felony contrary to Section 308 (2) of the Penal Code. Being dissatisfied with this sentence the appellant preferred this appeal. Being an appeal on sentence, the Court can only interfere with the trial Court's sentence if it (this court) is satisfied that the same was illegal and excessive.

The maximum sentence under count 1 is seven years while under the second count, the maximum sentence provided by the law is 14 years. Learned counsel for the respondent was of the view that seven years was rather on the higher side.

Personally, I find the sentence passed reasonable in the circumstances of this case. For these reasons no compelling grounds have been advanced for me to interfere with the sentence imposed by the trial Court.

The appeal is dismissed.

**Dated this 17<sup>th</sup> day of January, 2006.**

**W.OUKO**

**JUDGE**

17.1.2006

Coram

W.Ouko, J.

Appellant in person

Mr.Ogoti

CC: Gladys

Judgment delivered in open Court.

W.OUKO

**JUDGE**