

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAKURU
Criminal Appeal No. 206 of 2004

ABDI RAHMAN OMAR

AHMED.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

JUDGMENT

The appellant was charged with forgery contrary to section 349 of the Penal Code, the particulars of the offence being that on 7th January 2004 at Narok township in Narok District within the Rift Valley Province, he forged a Kenya Commercial Bank Narok Branch cheque number 002363 purporting the same to have been written by Abdi Yusuf authorizing or ordering a payment of Kshs.4,500,000/- to him. He also faced a second count of uttering the said cheque to Edward Arasa, a bank cashier. The third count was one of attempting to obtain money by false pretences by presenting the said cheque for payment.

The appellant pleaded guilty to all the counts and was convicted accordingly. He was sentenced to 3 years imprisonment on each of the counts and the sentences were to run concurrently. He was aggrieved by the said sentences and he appealed against the same.

Mr. Koech, learned state counsel opposed the appeal and submitted that the amount that was intended to be stolen by the appellant was substantial and that the sentence that was passed was very lenient.

I agree with Mr. Koech as I find that the appellant had hatched a scheme to steal a substantial amount of money from his employer having been placed in a position of trust. I find no basis for interfering with the said sentence and hereby dismiss the appeal.

DATED, SIGNED AND DELIVERED at Nakuru this 3rd day of March, 2006.

D. MUSINGA

JUDGE