



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAKURU**  
**Criminal Appeal No. 145 of 2004**  
**ANDERSON CHRISTOPHER**

**ANDERSON CHRISTOPHER LEMERIMU.....APPELLANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**JUDGMENT**

The appellant pleaded guilty to a charge of shop breaking and committing a felony contrary to section 306(a) of the Penal Code. The particulars of the offence were that on 1<sup>st</sup> May 2004 at Maralal Town in Samburu district within the Rift Valley Province he broke and entered into a shop of Peninah Wambui and stole therein nine leather belts valued at Kshs.1,800/-. He was convicted and sentenced to serve 7 years imprisonment. He was aggrieved by the said sentence and preferred an appeal against the same saying it was too harsh.

Mr. Koech, learned state counsel left the matter to the court's discretion.

The appellant is a young person who is aged about 20 years and he asked the court to exercise leniency saying that he was an orphan.

Considering the nature of the offence, and the fact that the appellant has been in prison since 3<sup>rd</sup> May 2004 when he was sentenced, I will allow the appeal and reduce the sentence to the period already served. The appellant should therefore be set at liberty unless otherwise lawfully held.

DATED, SIGNED AND DELIVERED at Nakuru this 3<sup>rd</sup> day of March, 2006.

**D. MUSINGA**

**JUDGE**