



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA

AT MACHAKOS

Criminal Appeal 38 of 2006

(From Original Conviction and Sentence in Criminal case No. 439 of 2005 of the Resident

Magistrate's Court at Kilungu).

.JOSPHAT KYALO MUASYA.....APPELLANT

VERSUS.

REPUBLIC.....RESPONDENT

T

26.6.2006.

Coram

D.A. Onyancha, J

Applicant – Appellant

Principal /Counsel for respondent- O'mirera

CC-Mueni

JUDGEMENT

Appellant was convicted upon his own plea of guilty to creating a disturbance in a manner likely to cause a breach of peace. He was sentenced to jail for two years. He appeals against sentence only. The state does not oppose the court revising the sentence to make lighter. I have considered the facts of the case. I am persuaded that the sentence is harsh and excessive in the circumstances. Since Mr. Omirera for the state agrees with this sentiment the appellant's sentence should be reduced. The sentence has been served up to 8 months. It is the view of the court that the 8 months he has served, is enough.

ORDER

1. The sentence of two years is hereby reduced to 8 months jail sentence.

2. Appellant to be released from jail forthwith unless otherwise lawfully therein held. It is so ordered.

D.A.ONYANCHA

JUDGE

26.6.06