



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU
Criminal Appeal 108 of 2004

(From Original Conviction and Sentence in Criminal case No.2387 of 2003 of the
Senior Magistrate's Court at Molo)

BERNARD LUKOYE AIRO APPELLANT
VERSUS
REPUBLIC RESPONDENT

JUDGEMENT

The appellant was charged with Hotel breaking and committing a felony Contrary to Section 306(a) of the Penal Code.

He also faced a charge of handling stolen property Contrary to Section 322(2) of the Penal Code. He pleaded guilty and before the sentence was pronounced, the prosecution informed the trial court that the appellant had three other convictions of similar offences which were committed in the same year. He was then sentenced to 4 years imprisonment. He appealed against the sentence and pleaded with the court to reduce the jail term.

Mr. Gumo, Assistant Deputy Public Prosecutor opposed the appeal saying that the trial magistrate exercised his discretion reasonably in sentencing the appellant. I agree with Mr. Gumo entirely. The appeal has no merits, particularly in light of all those other convictions aforesaid. I dismiss the appeal and confirm the sentence that was meted out by the trial court.

DATED, SIGNED & DELIVERED at Nakuru this 27th day of July, 2005.

D. MUSINGA

JUDGE