

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAKURU

CRIMINAL APPEAL 355, 356 & 357 OF 2001

(From original conviction and sentence in Criminal Case No. 739 of 2001 of the Senior

Resident Magistrate's court at NAROK – W.O. LICHUMA, SRM)

SAMSON LERIONGA KAMOIRO.....1ST APPELLANT

PETER KISHOYAN.....2ND APPELLANT

MUTWARA OLE SAKAU.....3RD APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

JUDGMENT

The appellants were convicted for robbery contrary to Section 296(1) of the Penal Code and each was sentenced to serve 7 years imprisonment and also receive 4 strokes of the cane.

It was alleged that they robbed Shamelok Ole Lemurt Kshs.29,000/- and his daughter Lilian Naserian Lemurt Kshs.25,000/-.

Although each one of them filed an appeal against their conviction and sentence, when the appeals came up for hearing, they all abandoned their respective appeals against conviction and urged the court to reduce their sentences. They said that they were first offenders and that they had been in jail since 16/8/2001 when they were sentenced and prior to that they had been in custody since September 2000. Each one of them was remorseful and said that they had been reformed.

Considering the nature of the offences which they committed, the fact that they were first offenders and the period which they have spent in custody, I am inclined to allow their appeals against their respective sentences and reduce the same to the period already served.

Each of the appellants should be set free unless otherwise lawfully held.

DATED at Nakuru this 15th day of July, 2005.

D. MUSINGA

JUDGE

15/7/2005