



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**  
**AT MALINDI**

**Criminal Appeal 59 of 2004**

**KELVIN MWANGI.....APPELLANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**JUDGMENT**

The appellant who pleaded guilty before the trial Court and was sentenced to 3 years for stealing now appeals against the sentence arguing that the same was harsh.

The offence with which the appellant was charged carries a three year imprisonment if found guilty. The trial Court considered the circumstances of the case and the appellants' mitigation before passing sentence. The circumstances, according to the trial Court justified a stiff sentence. The appellant broke into a locked motor vehicle and stolen there from a bag. The trial Court, correctly observed, that the appellant was lucky to have escaped a charge under Section 279 P.C. which carries a sentence of 14 years imprisonment.

I find the sentence neither illegal or harsh. There are no compelling grounds for me to interfere with the sentence imposed by the trial Court.

Appeal dismissed.

**Dated and delivered at Malindi this 6th day of September, 2005.**

**W.OUKO**  
**JUDGE**

**6.9.2005**  
**Judgment delivered.**

**Present Mr.Odhiambo for respondent Mr.Ogoti for state**  
**Appellant in person**

**CC: National Council for Law Reporting**  
**W.OUKO**  
**JUDGE**