

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: Gladys.

W.OUKO

JUDGE