



**Richard Kiplangat Lasoi v Republic**

**High Court, at Kericho February 26, 2004**

**Musinga Ag J**

**Criminal Appeal Case No 38 of 2001**

**February 26, 2004, Musinga Ag J delivered the following Judgment.**

This judgment is in respect of four criminal appeals which were consolidated. The same are High Court Criminal appeals numbers 38, 39, 40 & 41 of 2001 where the appellant in all of them is the same, RICHARD KIPLANGAT LASOI.

In all of them, the original charge was the same, stealing stock contrary to section 278 of the Penal Code. In Criminal appeal No. 38, the offence was committed on the night of 19th and 20th May, 2001 and the appellant pleaded guilty to the charge and was convicted and sentenced to serve seven years imprisonment with 3 strokes of the cane on 3rd October, 2001.

In Criminal appeal No. 39, the offence was committed on the night of 1st and 2nd August 2001 and the appellant pleaded guilty to the charge and on 3rd October, 2001 he was convicted and sentenced to four years imprisonment with 3 strokes of the cane. In Criminal appeal No. 40, the offence was committed on the night of 3rd and 4th February 2001 and the appellant pleaded guilty to the charge and on 3rd October, 2001 he was sentenced to four years imprisonment with 3 strokes of the cane. In Criminal appeal No. 41, the offence was committed on the night of 26th and 27th July, 2001 and the appellant pleaded guilty to the charge and on 3rd October, 2001 he was sentenced to serve six years imprisonment with 3 strokes of the cane.

The appellant urged the court to reduce the sentences saying that he had now reformed and he had young children who were suffering.

The learned state counsel opposed the appeals saying that the appellant was an habitual stock thief who had been convicted on his own plea of guilty in all the four cases. The trial Magistrate sentenced the appellant on the same day but did not indicate whether the sentences were to run concurrently or consecutively. If they were to run consecutively, that is one, after another, the appellant will be in jail for a total of 21 years which would be an excessive period. Considering that the appellant faced different trials on different dates but was sentenced in all the four trials on the same date, the sentences should run concurrently and this in effect means that the appellant will be imprisoned for a total of seven (7) years which was the longest jail term as ordered by the trial court.

The appeal is therefore dismissed but sentence shall be as stated hereinabove.