

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NYER
H.C.C.R. APP. 130/96

*(From the original conviction and sentence in Criminal
Case No. 34/94 in the Senior Resident Magistrate' s Court
at Kerugoya by F. F. Wanjiku –S.R.M.)*

JOSEPH WACHIRA NYAGA.....APPELLANT
VERSUS
REPUBLIC.....RESPONDENT
J U D G M E N T

Joseph Wachira Nyaga hereinafter referred to as the Appellant was convicted on his own plea of guilty by the Senior Resident Magistrate Kerugoya. He was sentenced to serve a term of eighteen years imprisonment. He now appeals against this sentence.

Learned Principal State Counsel Mr. Oluoch has conceded that the sentence was manifestly excessive given the circumstances in which it was committed. I do concur that a sentence of eighteen years was rather excessive given that the Appellant had pleaded guilty and was a first offender.

I would accordingly allow the appeal to the extent of setting aside the sentence of eighteen years and substituting thereto a term of ten years imprisonment. Orders accordingly.

Dated, signed and delivered this 23 rd day of

February 2004.

H. M. OKWENGU

JUDGE