



**IN THE HIGH COURT AT KISUMU**

**CRIMINAL APPEAL 366 OF 2002**

**MILTON OBOTE ATIENO ===== APPELLANT**

**=VERSUS=**

**REPUBLIC ===== RESPONDENT**

**J U D G M E N T**

MILTON OBOTE ATIENO was convicted of shop breaking and committing a felony contrary to Section 306 (a) of the Penal Code on his own plea of guilty. Thereafter he was sentenced to 3 years imprisonment with 3 strokes of the cane.

In his petition of appeal the appellant that he was subjected to torture by members of the public but there is no evidence of that.

However the value of the goods he stole after breaking into the shop was given as Ksh 5,079/=.

In my view the appeal does not have any merit. The same is dismissed.

**Dated and delivered this 17th February, 2004.**

**B. K. TANUI**

**JUDGE**

**BK/hao**