

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KISII

CRIMINAL APPEAL NO.9 OF 2004

(From original conviction and sentence of the Senior Resident Magistrate's Court

at Oyugis in Criminal Case No.908 of 2003 –S. O. OMWEGA ESQ., SRM)

MOSES OKUMU ADOGO APPELLANT

VERSUS

REPUBLIC RESPONDENT

JUDGMENT

Appellant was convicted for offence of being in possession of a forged bank note c/s.359 Penal Code. He had pleaded guilty and was sentenced to 3 (Three) years imprisonment. He now appeals against the sentence.

Appellant pleaded guilty. He was a first offender and in mitigation said he has a family to support. He was found with only one note which means most probably he was not the maker of the same. He is an elderly man. I feel sentence of 3 years and harsh. In fact court should have considered a non-custodial sentence.

Appellant has been in jail for 6 months. That is enough punishment.

I therefore quash the sentence of three years and substitute it with one for the term already served. Appellant be set at liberty.

It is so ordered.

KABURU BAUNI
JUDGE.
24/6/2004

Dated, and delivered on 24th June 2004

KABURU BAUNI
JUDGE.
24/6/2004

