

IN THE HIGH COURT OF KENYA
AT MOMBASA
APPELLATE SIDE
CRIMINAL APPEAL NO. 344 OF 2003

(From Original Conviction and Sentence in Criminal Case no. 2079 of 2003 of the District Magistrate's Court at Mombasa F. Andayi Esq., District Magistrate II (Prof.)

JAI KYALO SINGI APPELLANT
- Versus -
REPUBLIC RESPONDENT

J U D G M E N T

The Appellant was tried for the offence of stealing from a person contrary to section 279(a) of the Penal Code and on conviction he was sentenced to two years imprisonment. He appealed against both the conviction and sentence. While arguing the appeal, however, he abandoned the appeal against conviction and argued the one on sentence. He says he is remorseful and he has dependants. I have noted that the trial magistrate considered all those mitigating circumstances.

The offence the appellant was charge with carries a maximum of 14 years imprisonment. The sentence meted out by the trial magistrate of two years imprisonment is quite lenient in the circumstances. I therefore find no merit in this appeal and I dismiss it in its entirety.

DATED this 19th day of July 2004.

D.K. Maraga

Ag. JUDGE