

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

CRIMINAL APPEAL NO.394 OF 2000

**(From original conviction and sentence in Criminal
Case No.752/2000 of the Resident Magistrate's Court
at ELDAMA RAVINE -S.M. NYAGAKA(R.M.)**

**FRANCIS LOSURU.....APPELLANT
VERSUS
REPUBLIC.....RESPONDENT**

J U D G M E N T

The Appellant has appealed against the sentence of 7 years imprisonment. He had been charged with the offence of ARSON where property worth 4000/- was destroyed. He pleaded guilty to the charge during plea.

He has urged the court to reduce the sentence on grounds he pleaded guilty to the charge and that he has since reformed. That alcohol was to blame for his actions.

The Counsel for the State has not opposed the Appeal. He submitted that the Appellant saved court's time by pleading guilty and that the sentence of 7 years was harsh since the property destroyed was worth only 4000/-.

No doubt the charge facing the Appellant is serious and the sentence called for under the Act is quite severe. I do not find any aggravating circumstances that could have justified the court to pass a harsh sentence as it did. The Appellant pleaded guilty to the charge a sign that he was remorseful for his action. The property destroyed was not of much value. I will allow the appeal and alter the sentence to 3 years imprisonment from date of sentence. The appeal succeeds to that extent.

Orders accordingly.

Dated and delivered at Nakuru this 13th day of March, 2003.

JESSIE LESIIT

JUDGE

