

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

CRIMINAL APPEAL NO.11 OF 2001

**(From original conviction and sentence in Criminal
Case No.45/2001 of the Senior Principal Magistrate's
Court at NAIVASHA –B. F. ODHIAMBO (S.R.M.)**

**RAYMOD KIPLANGAT KIPTOO.....APPELLANT
VERSUS
REPUBLIC.....RESPONDENT**

J U D G M E N T

The Appellant has appealed against the sentence of 3 years and 1(one) stroke of the cane passed against him for the offence of Breaking into a Building and Committing a Felony contrary to Section 306 of the Penal Code.

The Appellant pleaded guilty to the charge and convicted on his own plea of guilty. The Learned State Counsel does not object to the appeal. The Appellant pleaded guilty and therefore saved court's time. He is remorseful for the offence. I do agree that he has served a substantial part of his sentence. Accordingly, considering all circumstances I exercise my discretion under S.354(1) of the Penal Code and reduce the sentence against him to that he has already served. He should be released forthwith unless otherwise lawfully held.

Orders accordingly.

Dated and Delivered at Nakuru this 6th day of March, 2003.

JESSIE LESIIT

JUDGE