

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KERICHO

CRIMINAL APPEAL NO.24 OF 2003

**(From original conviction and sentence in Criminal
Case No.339/2002 of the Senior Resident Magistrate's
Court at KERICHO –K. S. OMBAYE (S.R.M.)**

**SARAH CHEPKOECH MITEI.....APPELLANT
VERSUS
REPUBLIC.....RESPONDENT**

COURT IN JUDGMENT

The Appellant has appealed against a sentence of 4 years imprisonment imposed against her by Senior Principal Magistrate's Court at Kericho. The offence she was charged with was Arson contrary to Section 332(e) of the Penal Code. Value of latrine burnt was given as 1000/-

I note that she pleaded to the charge and was convicted on her own plea of guilty. I am also informed that she has 10 children and is initially the sole bread winner of the family. The State does not oppose the appeal.

A sentence of 4 years Imprisonment for a first offender and with such a low value of what was destroyed is manifestly harsh. I will allow appeal by reducing the sentence to the period already served. The appellant should be set at liberty unless otherwise lawfully held.

Dated and delivered at Nakuru this 10th day of April, 2003.

**JESSIE LESIIT
JUDGE**