

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL DIVISION

CRIMINAL APPEAL NO.926 OF 2001

**(From Original Conviction and Sentence in Criminal Case No.2425 of 1999
of the Chief Magistrate's Court at Nairobi)**

FRANCIS KARANJA MWANGI)..... APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

CONSOLIDATED WITH

CRIMINAL APPEAL NO.927 OF 2001

**(From Original Conviction and Sentence In Criminal Case 2425
of 1999 of the Chief Magistrate's Court at Nairobi)**

PHILIP MBONDO KIOKO APPELLANT

VERSUS

REPUBLIC RESPONDENT

JUDGEMENT

The two appellants namely Francis Karanja Mwangi and Philip Kioko Mbondo were convicted and sentenced to three and a half years imprisonment on three counts of being in possession of a firearm without a firearms certificate contrary to section 4 (2) of Cap.114 of the Laws of Kenya. The sentences were ordered to run concurrently. Both appellants brought this appeal challenging their conviction and sentence at the time of arguing their appeal both appellants abandoned their appeal against conviction. They both challenged the sentence imposed against them arguing that it was too harsh. They both argued that the sentence be reduced.

Mr. Kivihya for the state opposed their plea and argued that the sentence is not manifestly excessive.

I have perused the trial magistrate's record as it relates to sentencing. I have noted that the trial magistrate took into account the fact that the two appellants had been in custody for a long time before sentencing them. She also took their plea in mitigation. Taking everything into account it is my considered view that the sentence imposed upon the appellants was appropriately arrived at and well considered. I will not therefore interfere with the sentence imposed upon the appellants. I dismiss the appellants appeal against the sentence accordingly.

R.M. MUTITU

JUDGE

2/4/2003

Delivered in open court in the presence of the two appellants and in the presence of Mr. Kivihya for the state.

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R.M. MUTITU

JUDGE

2/4/2003