

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KISII

CRIMINAL APPEAL NO.27 OF 2002

(From original conviction and sentence of the SRM's court at Oyugis in criminal case No.392 of 2001.)

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MUSA OTIENO GETA APPELLANT

VERSUS

REPUBLIC RESPONDENT

JUDGMENT:

The complainant's stolen goods were undoubtedly recovered from the custody of the appellant. He was thus in recent possession of stolen goods. He did not give an account of how he got unto that possession. Such failure to give an account entitled the court to presume to be the thief or dishonest handler.

So I find that he was properly convicted. The appeal in that regard is thus dismissed. But since many of the stolen items were recovered I hold that the sentence of 7 years imprisonment imposed on him was manifestly excessive and so I reduce it to 15 months imprisonment.

Dated and delivered on the 16/5/2003.

I.C.C. WAMBILYANGAH
JUDGE