



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NYERI**

**CRIMINAL APPEAL NO. 258 OF 1994**

**DAVID KARIUKI KAMONDE.....APPELLANT**  
**VERSUS**  
**REPUBLIC.....RESPONDENT**  
**(Appeal from a judgment of the**  
**Principal Magistrate's Court at Kerugoya,**  
**F. F. Wanjiku, S.R.M., dated**  
**18th August, 1994 in Criminal Case No. 28/94)**

**JUDGMENT**

From what has been brought to my attention during the hearing of this appeal, there is nothing to make this court interfere with the conviction of the Appellant which was entered on his own plea of guilty and I find no irregularity in the proceedings. As to the sentence, I note that the Appellant was sentenced to serve 18 years imprisonment on 18th August, 1994. Having been arrested earlier he has now been under confinement for a period of about 10 years within which he has been having medical problems concerning his body

In the circumstances, I feel that the sentence imposed upon the Appellant should be reduced as by now he has already learned a lesson from the confinement imposed upon him in this matter. Accordingly, the Appellant's appeal against his conviction is hereby dismissed.

The sentence imposed is set aside and substituted with such a sentence as would enable the Appellant be released from the prison on the morrow unless lawfully detained in some other cause.

**Dated this 11th day of November, 2003.**

**J. M. KHAMONI**  
**JUDGE**