



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**

**CRIMINAL DIVISION**

**CRIMINAL APPEAL NO.968 OF 2001**

**(From Original Conviction and Sentence in Criminal Case  
No.3577 of 1999 of the Senior Principal Magistrate's Court at  
Kibera).**

**JOHN MWIKYA TUTA.....APPELLANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**J U D G M E N T**

The appeal is only against the sentence of 6 years imprisonment passed against the appellant on 12/4/2001.

I note that the appellant had no previous conviction and he has now lost his 14 years service and the resultant benefits.

It took the court below to finalise a case so simple as this and the appellant must have gone through mental agony for all that long period.

The sentence is reduced to 4½ years imprisonment.

Dated and delivered at Nairobi this 27th February, 2002.

V.V. PATEL

JUDGE