



IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL DIVISION

CRIMINAL APPEAL NO.21 OF 2000

(From Original Conviction and Sentence in Criminal Case  
No.1671 of 199 of the Resident Magistrate's Court at Kikuyu).

SIMON NJOROGE NDUNGU.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

J U D G M E N T

The appeal is only against the sentence of 4 years imprisonment plus 4 strokes for house breaking and theft.

I note that the appellant had a past clear record and was in remand for about 4 months. The property was recovered at once. He is serving the sentence since 22/11/99. In my view the appellant has had his punishment by now for what he did.

**Order:**

The prison sentence on each limb is reduced to a period served and the strokes to 2 strokes which be inflicted and the appellant be released forthwith thereafter.

Dated and delivered at Nairobi this 26th day of March, 2002.

V.V. PATEL  
JUDGE