



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

**CRIMINAL DIVISION**

**CRIMINAL APPEAL NO. 800 OF 2001**

**(From Original Conviction and Sentence in Criminal Case No.5692 of**

**2000 of the Senior Principal Magistrate's Court at Kibera)**

**STEPHEN MUNGATHIA ARITHU.....APPELLANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

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

The appeal is only against the sentence of 3 years imprisonment passed on 20/3/2001.

The appellant was convicted on alternative count of handling a motor vehicle the complainant was robbed of.

The warrant of commitment is wrongly showing that the conviction was for Robbery, contrary to section 296(1), P.C.

I find that the sentence of 3 years imprisonment for handling was proper and uphold it.

**ORDER:**

The sentence of 3 years imprisonment is upheld.

The conviction is for Handling stolen property, contrary to section 322(2), P.C. and not for Robbery, contrary to section 296(1), P.C. as wrongly stated in the warrant of commitment. The prison officer to amend his record to show that the conviction was for the Handling.

**V.V. PATEL**  
**JUDGE**  
**26/3/2002**

