

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI
CRIMINAL DIVISION
CRIMINAL APPEAL NO.1405 OF 2000

**(From Original Conviction and Sentence in Criminal Case
No.1312 of 2000 of the Chief Magistrate's Court at Nairobi).**

ALEXANDER KALOKI NZAU.....APPELLANT
VERSUS
REPUBLIC.....RESPONDENT
BERNARD KEMBOI ROTICH.....APPELLANT
VERSUS
REPUBLIC.....RESPONDENT
J U D G M E N T

Criminal Appeal Nos.1405 and 1407 of 2000 are consolidated. The appeals are only against the sentences passed. Both appellants were convicted of Robbery, contrary to section 296(1), P.C. and sentenced to 7 years imprisonment plus 6 strokes each. The 1st appellant was also convicted on the 2nd count of personation and was sentenced and was sentenced to one year's imprisonment for it to run concurrently.

I have considered the nature of the evidence on the charge of robbery, contrary to section 296(1), P.C., on the 1st count. The complainant was robbed of Sh.14,000/=. There was no evidence of any injury caused on the complainant. There is no remission for robbery sentences. Both were in remand for about 6 months. Order: The sentence against each of the two appellants on the 1st count is reduced to 3½ years imprisonment plus 2 strokes each. The sentence of one year's imprisonment against the 1st appellant, Alexander on the 2nd count to run concurrently stands.

Dated and delivered at Nairobi this 3rd day of April, 2002.
V.V. PATEL
JUDGE