



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI CRIMINAL DIVISION**

**CRIMINAL APPEAL NO 17 OF 2002**

**(From Original conviction and sentence in Criminal Case No 900 of 2001 of  
the RM's Court at Gatundu)**

**WILLYMWAGO GACHUKIA.....APPELLANT  
VERSUS  
REPUBLIC.....RESPONDENT**

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

The appellant pleaded guilty to the offence of stealing C/s 275 of P.C. and sentenced to 2 years imprisonment. The subject matter was a pipe valued at Kshs. 1,500/-. The same was recovered. The appellant was a first offender.

I agree the sentence of 2 years imprisonment was not warranted. I allow the appeal by reducing the sentence to the period already served by the appellant such that he shall be released forthwith unless otherwise lawfully held.

Order accordingly.

Dated and delivered at Nairobi this 5th day of June 2002

**MBOGHOLI MSAGHA**

**JUDGE**