

IN THE HIGH COURT OF KENYA

AT MOMBASA

APPELLATE SIDE

CRIMINAL APPEAL NO.99 OF 2002

(Being an Appeal from Original Conviction and Sentence in Criminal Case No.1847 of 1902 of the Senior Resident Magistrate's Court at Kwale –L.N.

Mbatia, SRM)

AMINA SALIM ABDALLA APPELLANT

VERSUS

REPUBLIC OF KENYA RESPONDENT

JUDGMENT

Having listened to the submissions by appellant and the State Counsel and after considering the circumstances of the case. It is quite clear that the appellant committed offence charged and I do uphold the conviction.

On the sentence I agree with State Counsel that it is excessive in the circumstances that she is a first offender. She is a young person and she will benefit from the scheme under Community Service Act. I therefore set aside sentence of 4 years imprisonment and substitute the same with Community Service Order for a period of 12 months only.

The appeal is therefore allowed only as to sentence.

Dated at Mombasa this 17th Day of July, 2002.

J. KHAMINWA

COMMISSIONER OF ASSIZE