

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL APPEAL NO.790 OF 2002

(From Original Conviction and Sentence in Criminal Case No.6624 of

2000 of the Senior Principal Magistrate's Court at Makadara)

HENRY GICHAMBA OBWOGI APPELLANT
VERSUS
REPUBLIC..... RESPONDENT
RUING

The appellant in this case appealed to the High Court challenging his conviction and the sentence of 18 months inflicted upon him by the Chief Magistrate Makadara. At the time of arguing his appeal the appellant abandoned his appeal in so far as conviction is concerned. He only maintained his appeal in so far as sentence is concerned.

I have considered the fact that the offence from which the appellant was sentenced to 18 months imprisonment carries a maximum of 7 years imprisonment. It is on record that the trial Court considered the mitigating factors before sentencing the appellant to 18 months imprisonment. It is my considered view that the appellant was convicted leniently. I am tempted to enhance the sentence.

I will not therefore interfere with the sentence imposed. This appeal is therefore dismissed accordingly.

R.M. MUTITU

JUDGE

29/8/2002

Delivered in open Court in the presence of the applicant and Miss Okumu for the state.

R.M. MUTITU

JUDGE

29/8/2002