



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL APPEAL NO. 1071 OF 2002

FROM ORIGINAL CONVICTION AND SENTENCE IN CRIMINAL

CASE NO. 2760 OF 2002 OF THE RMS MAGISTRATE'S COURT AT LIMURU

FRANCIS MWAURA NDUNGU.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

J U D G M E N T

This appeal is against sentence only. The subject matter stolen was recovered. The appellant was a first offender. He is remorseful. From the date of conviction he has served about one and a half months in prison. I consider this sufficient punishment. Accordingly this appeal is allowed by reducing the sentence to the period already served such that the appellant shall be released forthwith unless otherwise lawfully held.

Order accordingly.

**Dated and delivered at Nairobi this 13th day of November, 2002.**

MBOGHOLI MSAGHA  
JUDGE