

IN THE HIGH COURT OF KENYA AT NAIROBI
CRIMINAL APPEAL NO. 1071 OF 2002

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 years 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