

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA

AT MOMBASA

APPELLATE SIDE

CRIMINAL APPEAL NO.213 OF 2001

(From Original Conviction and Sentence in Criminal Case No.938 of 2001 of the Senior Resident Magistrate's Court at Kilifi – P.M. Mutani, Esq., - S.R.M.)

MOHAMED SALIM SULEIMAN.....APPELLANT

=V E R S U S=

REPUBLIC.....RESPONDENT

J U D G E M E N T

The Appellant was charged with Stealing by Servant contrary to Section 281 of the Penal Code. He pleaded guilty, was convicted on his own plea of guilty and was sentenced to 5 years imprisonment. His appeal to this court is against sentence only.

The Appellant pleaded guilty to the charge. He was a first offender aged about 31 years and married with 2 children who depend on him. In the circumstances the sentence is on the higher side.

I reduce the sentence to 3 years imprisonment.

To that extent this appeal is allowed.

Otherwise the appeal is dismissed.

Dated and delivered at Mombasa this 18th day of September, 2001.

J.L.A. OSIEMO

J U D G E