

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MOMBASA

crim app 187 of 01

AHMED SWALEH SAID APPELLANT

V E R S U S

REPUBLIC RESPONDENT

J U D G E M E N T

The appellant has appealed against sentence only. It is noted from the record that he was first offender. He also pleaded guilty to the charge. The state did not object to reduction of sentence. However, the incidents of theft from locked motor vehicles are prevalent and nuisance. The sentence of 3 years imprisonment and 2 strokes of the cane is a bit excessive having regard to the fact that the appellant pleaded guilty to the charge and is a first offender. I reduce the sentence to 18 months imprisonment (Eighteen months) with one stroke of the cane.

Dated this 15th day of November, 2001.

G.A. OMWITSA

COMMISSIONER OF ASSIZE