

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL DIVISION

CRIMINAL APPEAL NO.1161 OF 2000

(From Original Conviction and Sentence in Criminal Case No.986 of 2000 of the District Magistrate's at Kigumo).

**JOHN MAINA KAMAU.....APPLICANT
VERSUS
REPUBLIC.....RESPONDENT**

CONSOLIDATED WITH

**CRIMINAL APPEAL NO.1162 OF 2000 JOSPHAT MURANGA
MBOOTE.....APPLICANT**

VERSUS

**REPUBLIC.....RESPONDENT CONSOLIDATED WITH
CRIMINAL APPEAL NO.1163 OF 2000 PETER KIMANTHI
SIMON.....APPLICANT
VERSUS
REPUBLIC.....RESPONDENT
JUDGMENT**

Criminal Appeals Nos.1161, 1162 and 1143 of 2000 are consolidated. The appeals are only against the sentences passed. The facts were that the three appellants were convicted of stealing oranges worth about Sh.3,800/-. The oranges were recovered at once. None had any previous convictions. All 3 appellants have been in prison serving the sentence of 3 years imposed by the learned Magistrate.

I substitute a fine of Shs.2,500/- in default 2 months imprisonment against each appellant for the remaining unserved prison term.

**V.V. PATEL
JUDGE
12-10-2000**