



REPUBLIC OF KENYA



KENYA LAW
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**Sinyore v Republic (Criminal Appeal E008 of 2024)
[2024] KEHC 5985 (KLR) (12 April 2024) (Judgment)**

Neutral citation: [2024] KEHC 5985 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MARSABIT
CRIMINAL APPEAL E008 OF 2024**

JN NJAGI, J

APRIL 12, 2024

BETWEEN

YUSUF SINYORE APPELLANT

AND

REPUBLIC RESPONDENT

*(from original conviction and sentence by Hon. S.K. Arome, Principal
Magistrate, in Marsabit Criminal Case No.E048 of 2023 delivered on 8/11/2023)*

JUDGMENT

1. The appellant was convicted on his own plea of guilty to the offence of breaking into a building and committing a felony contrary to section 306(a) of the *Penal Code*. The particulars of the offence were on the 6th November 2023 at unknown time at Gamey construction site in Laisamis sub county in Marsabit county he broke and entered into the store of Gamey Construction Co. Ltd and did steal from therein 3 jerrycans of 20 litres with diesel valued at Ksh.12,000/= the property of the said Gamey construction Co. Ltd.
2. The appellant was sentenced to serve 4 years imprisonment. He was aggrieved by the sentence imposed on him and filed this appeal.
3. The appellant pleaded with this court to reduce the sentence. He told the court that he has an elderly mother who relies on him and a brother in secondary school. That he was a first offender.
4. The Prosecution counsel submitted that the appellant was a first offender. That the sentence of 4 years imprisonment was harsh as the appellant pleaded guilty and could have benefited from a lenient sentence.
5. The appellant mitigated to the trial court that he was 23 years old. That he had a family that was dependent on him.



6. I have considered that the appellant admitted to have broken into the complainant's store and stole the goods charged. The offence that he was charged with carries a maximum sentence of 7 years imprisonment. The goods that he stole were valued at Ksh.12,000/-. Considering the age of the appellant and that he was a first offender, I find the sentence of 4 years to be harsh.
7. In the premises, I find the appeal on sentence to be merited and I am thus inclined to reduce the sentence. The sentence of 4 years imprisonment is set aside and substituted with a sentence of eighteen months imprisonment.

DELIVERED, DATED AND SIGNED AT MARSABIT THIS 12TH DAY OF APRIL, 2024.

J.N. NJAGI

JUDGE

In the presence of:

Mr. Otieno for Republic

Appellant – present in person

Court Asst – Jarso

14 day Right of Appeal.

