



**Wangoi v Republic (Criminal Appeal 74 of 2019)
[2024] KEHC 5482 (KLR) (17 May 2024) (Judgment)**

Neutral citation: [2024] KEHC 5482 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
CRIMINAL APPEAL 74 OF 2019
SM MOHOCHI, J
MAY 17, 2024**

BETWEEN

JULIUS MBURU WANGOI APPELLANT

AND

REPUBLIC RESPONDENT

JUDGMENT

1. The Appellant appeals against the sentence only of Hon. B. Mararo (P.M.) following the judgment dated 29th November, 2019 where the Appellant was sentenced to 20 years’ imprisonment for being guilty for the offence of robbery with violence contrary to Section 295 as read together with Section 296 (2).
2. The Appellant contends that the sentence is harsh, it contravenes the sentencing policy guidelines then re-mitigate appealing for the mercy of this Court to serve a non-custodial sentence.
3. An Appellate Court shall not easily interfere with a sentence imposed by a Lower Court unless it is apparent the same is either: -
 - i. Illegal.
 - ii. Or it is manifestly excessive
 - iii. It fails to consider critical mitigating circumstances and factors.
4. The current sentence is for the term of twenty (20) years which is far below the maximum sentence provided for which the sentence of death.
5. The Appellant has thus failed to demonstrate any fault on the part of the learned magistrate when imposing the sentence.
6. I find this appeal to be without merit.



7. The sentence imposed took into consideration the mitigation of the Appellant and nothing has been presented to indicate that the discretion in sentencing was not exercised judiciously.
8. This Court thus confirms the conviction and sentence to run from 5th June 2018.
9. The appeal is thus dismissed.

DATED, SIGNED AND DELIVERED AT NAKURUNON THIS DAY OF 17TH DAY OF MAY 2024.

S. MOHOCHI

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JUDGE

I certify that this is a true copy of the original

Signed

Deputy Registrar

