

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KAKAMEGA

CRIMINAL APPEAL NO. 59 OF 2015

(From Original Conviction and Sentence in Criminal Case No. 644 of 2013

by the Chief Magistrate's Court at Kakamega)

CLEOPHAS ANGULU.....APPELLANT

VERSUS

REPUBLICRESPONDENT

JUDGEMENT

1. The appellant was sentenced to five years' imprisonment on 19th May 2015 of handling stolen goods contrary to section 322(1) of the Penal Code.
2. At the hearing of the appeal on 31st January 2019 he indicated that he was asking for reduction of sentence. The state opposed the appeal saying that the sentence was legal given that the offence was prevalent in the area.
3. I note that the appellant was sentenced on 19th May 2015 and has been serving sentence since then. He was treated as a first offender. I trust that he has learned his lesson.
4. I accordingly allow the appeal on sentence to the extent of reducing it to the period served. The appellant shall be released from prison custody unless he is otherwise lawfully held.

DELIVERED, DATED AND SIGNED IN OPEN COURT AT KAKAMEGA THIS 14th DAY OF June 2019

W MUSYOKA

JUDGE