



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT MIGORI**

**CRIMINAL APPEAL NO. 7 OF 2017**

**JAMES NKONGO SAIMO alias MWITA.....APPELLANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**JUDGMENT**

I have considered the appeal on sentence. The appellant was charged with the offence of robbery with violence contrary to Section 296(2) of the Penal Code. He was in company of others and had an AK 47 rifle. The victim was seriously injured in the process.

The sentencing Court considered the circumstances of the case and mitigations as well. A Sentence of twenty (20) years which was to run from the first time the appellant was sentenced was rendered.

Before this Court, the appellant has not demonstrated how the sentencing Court erred in arriving at the sentence. **(See Wanjema vs. R)**. I find the sentence commensurate with the charge and the circumstances under which the offence was committed. To me, the appeal is unmerited. It is hereby disallowed.

Orders accordingly.

**DELIVERED, DATED and SIGNED at MIGORI this 07<sup>th</sup> day of November 2019**

**A. C. MRIMA**

**JUDGE**