



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT KISII**

**CRIMINAL APPEAL NO. 42 OF 2017**

**GIDEON OYARO LETEIPA.....APPELLANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

(Appeal from the original conviction and sentence of Hon. V.M Nyaga – RM

dated 27<sup>th</sup> January, 2016 at the Chief Magistrate’s Court

at Kisii in Criminal Case No. 1651 of 2015)

**JUDGMENT**

1. The appellant was convicted on his own plea of guilty and sentenced to four years imprisonment for the offence of stealing a motor vehicle contrary to section 278A of the Penal Code (Chapter 63 of the Laws of Kenya). The facts of the offence were that on 19<sup>th</sup> June 2015 at Mochengo – Kiamokama Division within Kisii County, he and his co-accused stole a motor vehicle registration number KAU 964D, Mitsubishi Lancer valued at Kshs. 400,000/= the property of Omwong’a Moninga Jack.
2. The 2<sup>nd</sup> accused who denied the charge was acquitted under section 202 of the Criminal Procedure Code (Chapter 75 of the Laws of Kenya) as the trial court rejected the prosecution’s application to withdraw the case under section 87a of the Criminal Procedure Code.
3. Considering the fact that the co-accused was acquitted and the motor vehicle recovered, the appellant has no doubt learnt his lesson. I allow the appeal and reduce the sentence to time served. The appellant is ordered released unless otherwise lawfully held.

**Dated and delivered at Kisii this 12th day of July 2018.**

**D.S MAJANJA**

**JUDGE**

Mr. Otieno, Prosecution Counsel, instructed by Office of Director of Prosecutions.

Appellant in person.