

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISII

CRIMINAL APPEAL NO. 3 OF 2018

RONALD OBOKE GORI.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

(Appeal from the original conviction and sentence of Hon. J.M Njoroge – CM dated 11th December 2017 at the Chief Magistrate’s Court at Kisii in Criminal Case No. 3412 of 2015)

JUDGMENT

1. The appellant, RONALD OBOKE GORI, and his co-accused, were charged with the offence of stealing contrary to section 268(1) as read with section 275 of the Penal Code (Chapter 63 of the Laws of Kenya). The particulars of the offence were that on 9th December 2015 at Iyabe Location, Kisii South District within Kisii County they jointly with others not before the court stole sugar cane valued at Kshs. 237,038/=, the property of EVANS OMWERI NYANDORO. The appellant was convicted and sentenced to two years imprisonment.
2. The appellant has appealed against conviction and sentence but at the hearing of the appeal, the appellant informed the court that he was only contesting the sentence which was, in his view harsh. Mr. Otieno, counsel for the respondent did not object to this plea.
3. I have considered the sentence for RONALD OBOKE GORI and since he has served about one year in jail, I order that he be released to serve the balance of his sentence under probation.

Dated and delivered at Kisii this 17th day of September, 2018.

D.S MAJANJA

JUDGE

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

Appellant in person.