

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL DIVISION

CR. REVISION NO. 949 OF 2018

MARTIN MWANGI KABUGI.....REPUBLIC

VERSUS

REPUBLIC.....RESPONDENT

RULING

1. I have heard both parties. The Applicant was convicted in respect of nine counts. In count I, he was charged with forgery having forged an identity card. In count II and III, he was charged with uttering a false document, being National Identity Cards belonging to two persons. In counts IIV, V, VI and VII, he was charged jointly with another with the offence of stealing, being in respect count IV money and the rest of counts, share certificates. In count VIII and IX, he was also jointly charged with another with attempted theft of share certificates.

2. In my honest view, the penalties imposed were lenient as they accorded with the law. However, since the Applicant was a first offender, the sentence ought not to have exceeded a third of the penalty provided under the law.

3. Although he has argued that he is sick as he suffers from ulcers, the illness can be adequately treated within the prison. Having regard to all circumstances of the case, I set aside the 18 months jail term in respect of each of the counts. I substitute it with an order that the Applicant shall serve 12 months in each of the counts. The sentences shall run concurrently.

Dated and delivered at Nairobi This 11th Day of December, 2018.

G.W.NGENYE-MACHARIA

JUDGE

In the presence of;

1. Applicant present in person
2. M/s Atina for the Respondent.