

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KAKAMEGA

CRIMINAL REVISION NO.12 OF 2016

MORRIS MUHINDI ONAMU.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING ON REVISION

1. The applicant was charged before Senior Principal Magistrate's Court at Hamisi with the offence of stealing stock contrary to **section 278** of the penal code. Particulars were that on the 27th day of July 2015 at Nyang'ori village, Gamalenga Location in Hamisi Sub-county within Vihiga County stole one cow, grey in colour valued at Kshs.20,000/- the property of **Christine Mbone**.

2. When the charge was read to the applicant, he pleaded guilty and also confirmed the facts to be true once they were read to him. The lower court then convicted the applicant on his own plea of guilty and sentenced him to 3 years imprisonment.

3. This file has subsequently been placed before me for revision under **section 364(1)** of the Criminal Procedure Code. I have perused the record of the trial court and the orders made therein. The applicant pleaded guilty to the charge and was convicted on his own plea of guilty. The sentence of 3 years meted out is within the legal limit and the trial magistrate exercised his discretion in meting out that sentence. I do not therefore find reasonable ground to interfere in this matter. The applicant to serve sentence imposed on him by the trial court.

Dated and delivered at Kakamega this 5th day of May, 2016.

E.C. MWITA

JUDGE