



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MOMBASA
CRIMINAL APPEAL NO. 214 OF 2012

BACKSON LERAI APPELLANT

VERSUS

REPUBLICRESPONDENT

(From original Conviction and Sentence in Criminal Case No. 225 of 2012 of the Principle Magistrate's Court at Voi – Hon. Wahome – P.M.)

JUDGMENT

BACKSON LERAI hereinafter referred to as the Appellant was Convicted and Sentenced to four (4) years imprisonment for the offence of stealing contrary to section 278 of the Penal Code.

The particulars are that:-

“On the 23rd day of March, 2012 at Sophia area within Taita – Taveta County, jointly, with others not before the Court stole ten (10) head of cattle valued at Ksh. 190,000/= the property of JACKLINE SINTOYA”.

The appellant pleaded guilty to the charge and was Convicted on his own plea.

His appeal is on Sentence only. In his mitigation he blames his predicament on outdated traditional and cultural practices which encouraged the taking of cattle from other people and communities.

Section 208 of the Criminal Procedure Code provides for a maximum Sentence of fourteen (14) years imprisonment.

The appellant was treated as a first offender. He admitted stealing ten (10) head of cattle of the value of Ksh. 190,000/=.

The Sentence of four (4) years is not harsh or excessive in the circumstances of this case. There is no reason to interfere with the Sentence. The appeal has no merit and its disallowed.

Sentence upheld.

Judgment delivered dated and signed this **4th** day of **March, 2014**.

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M. MUYA

JUDGE

4TH MARCH, 2014

In the presence of:-

Learned State Counsel Mr. Ayodo

The applicant present in person

Court clerk Musundi