

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MOMBASA

CRIMINAL APPEAL NO. 51 OF 2012

STEPHEN MWACHOFIAPPELLANT

VERSUS

REPUBLICRESPONDENT

(From the Original Conviction and Sentence in the Criminal Case No. 777 of 2010 of the Senior Resident Magistrate's Court at Wundanyi: Hon. Orengi K.I. – RM)

JUDGMENT

The Appellant was found guilty and Convicted in the alternative Count of handling stolen goods contrary to section 322(2) of the Penal Code and was Sentenced to three (3) years imprisonment.

The particulars are that on the 17th day of December, 2010 at Wuchichi Village Wundanyi Location Taita Taveta County having entered the **dwelling house** of **Chispine Mughenyi**; otherwise than in the Course of stealing dishonestly undertook the retention of four (4) tins of paint, four iron sheets, one mattress, one DVD player make royal, four plates knowing or having reason to believe them to be stolen or unlawfully obtained.

The Court notes that the Appellant was Sentenced to three years imprisonment. The prosecutor had indicated that he had no records for the Accused persons. The Accused had been found with two tins of paint.

He has served more than one and half years imprisonment term.

I deem that to be enough punishment. His Sentence term is reduced to the term he has already served. The upshot is that he will be released forthwith unless lawfully held.

Judgment dated and delivered in open Court this **4th** day of **July, 2013**.

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M. MUYA

JUDGE

In the presence of:-

The Appellant

Learned State Counsel Mr. Ayodo