

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU
Criminal Appeal 184 of 2004

PETER MWANGI MUNYIRI.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

JUDGMENT

The Appellant was with another charged with robbery with violence contrary to **Section 296(2)** of the **Penal Code** and being in possession of an imitation of a firearm contrary to **Section 34(1)** of the **Firearms Act**. The Appellant was alone also charged with giving false information to a person employed in the **Public Service** contrary to **Section 129(a)** of the **Penal Code** and failing to register contrary to **Section 14(1)** of the **Registration of Persons Act**. Upon trial the co-accused was acquitted of the charges against him but the Appellant was convicted of simple robbery and giving false information and sentenced to four and one year imprisonment respectively. He has appealed against both convictions and sentences. The sentences were ordered to run consecutively.

At the hearing the Appellant abandoned the appeal against the conviction and prayed that the sentences be reduced. Mr. Mugambi, the learned state counsel, left the matter of sentence to me.

I have considered the Appellant's plea in mitigation. The offence of simple robbery on which he was convicted carries a maximum sentence of 14 years imprisonment while that of giving false information carries a maximum sentence of 3 years imprisonment. The sentences of 4 and 1 years imprisonment respectively imposed on him cannot be said to be harsh. I therefore find no merit in this appeal and I accordingly dismiss it.

DATED and delivered at Nakuru this 3rd day of October, 2008.

D. K. MARAGA

JUDGE