

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
APPELLATE SIDE
CRIMINAL APPEAL NO. 603 OF 1999

(From Original Conviction(s) and Sentence(s) in Criminal case No.6692 of
1995 of the Principal Magistrate's Court at Kibera, Ondieki, Mrs.
(Station and Magistrates Name).

STANLEY OMBIMA.....APPELLANT
VERSUS
REPUBLIC.....RESPONDENT

J U D G M E N T

This is an appeal against sentence only. On conviction of Robbery c/s 296(I) of the Penal Code the appellant was sentenced to 5 years imprisonment with 2 strokes of the case.

As at the time of conviction the appellant had been in remand custody for one year and 3 months. I am told he has spent 2 years and 2 months imprisonment term imposed. He was said to be first offender. No one was injured in the Robbery and the property was recovered.

In view of the foregoing, I consider that the sentence imposed by the learned trial magistrate was excessive.

Accordingly I allow the appeal against sentence by reducing the same to the period already served by the appellant such that he shall be released forthwith unless otherwise lawfully held.

Order accordingly.

Dated and delivered at Nairobi this 17th day of December, 1998

A. MBOGHOLI MSAGHA
JUDGE