



**REPUBLIC OF KENYA  
IN THE COURT OF APPEAL OF KENYA  
AT NAKURU**

**Criminal Appeal 66 of 1994**

**MACDONALD MAKASI**

**ALFRED MULOS.....APPELLANTS**

**AND**

**REPUBLIC.....RESPONDENT**

**(Appeal from a Judgment of the High Court of Kenya at Eldoret (Mr. Justice Aganyanya) dated 1<sup>st</sup> February 1992**

**IN**

**H.C.CR.A. NO. 215 OF 1992)**

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**JUDGMENT OF THE COURT**

The two appellants, who are brothers, were convicted on their own plea of guilty, of robbery contrary to section 296(1) of the Penal Code and sentenced to 7 years imprisonment and 10 strokes of the cane followed by 5 years police supervision. Their appeal to the Superior Court against sentence was summarily rejected under section 352(2) of the Criminal Procedure Code. Having admitted the offence and the facts as stated by the prosecution before a conviction was entered, the appellants had no right of appeal against conviction. So their complaints in this regard before us cannot be considered and are rejected.

Robbery under section 296(1) carries a maximum sentence of 14 years together with corporal punishment not exceeding 28 strokes. The sentences imposed by the trial Magistrate were quite lenient and the claim by the appellants that they were harsh and excessive is baseless.

The complaints directed against conviction must be disregarded as the appellants had pleaded guilty and even the Superior Court would have had no power to deal with them.

From what we have said, it must follow that the summary rejection was proper and we accordingly uphold it. In the result this appeal fails and it is dismissed.

Dated and delivered at Nakuru this 27<sup>th</sup> day of September, 1994.

R.O. KWACH

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JUDGE OF APPEAL

M.G. MULI

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JUDGE OF APPEAL

P.K. TUNOI

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JUDGE OF APPEAL

I certify that this is a true copy of the original.

**DEPUTY REGISTRAR**