

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MACHAKOS

CRIMINAL APPEAL NO 65 OF 1987

SUNZA.....APPELLANT

VERSUS

REPUBLIC.....DEFENDANT

JUDGMENT

July 22, 1987 Torgbor J delivered the following Judgment.

The two appellants were convicted and sentenced to 18 months imprisonment for willfully damaging (200) coffee trees of the complainants.

The two appellants are brothers and in their appeal they deny causing the alleged damage. I have perused the grounds of appeal carefully but find no merit in them. The damage was seen by the complainant P W 1. He had about 400 coffee trees and some 200 of these were destroyed by the two appellants. I am satisfied on the evidence that the convictions were proper and I uphold the same. The appeals are therefore dismissed. As the damage was quite considerable I do not consider the sentence of 18 months imprisonment excessive.

In the result the appeals against both conviction and sentence are dismissed.

July 22, 1987

TORGBOR

JUDGE