



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT MACHAKOS**

**CRIMINAL APPEAL NO 197 OF 1987**

**MUSAU.....APPELLANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**JUDGMENT**

August 8, 1987 Torgbor J delivered the following Judgment.

This is an appeal against sentence only. The appellant was convicted for cheating and sentenced to 18 months imprisonment.

The offence is a misdemeanour and in my view and in all the circumstances of this case the said sentence is excessive and it is set aside and substituted by fine of Kshs 1,000 in default 3 months imprisonment.

Appellant is ordered to repay Kshs 1,520 to the complainant in default one month additional term of imprisonment.

**August 8, 1987**

**TORGBOR**

**JUDGE**