

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA T NAIROBI

APPELLATE SIDE

CRIMINAL APPEAL NO 1174 OF 1984

(From Original Convictions and Sentences in Criminal Case No 2331 of 1984 of the Senior Resident Magistrate's Court at Nairobi: J A Mango Esq.)

JACKSON KIBEI SEREMAPPELLANT

V e r s u s

REPUBLICRESPONDENT

CORAM: O'KUBASU, J

Appellant absent, not wishing to be present and unrepresented, A K Nyairo (State Counsel) for Respondent)

J U D G M E N T

The appellant, Jackson Kibet Serem, was convicted on three counts of demanding property with menaces contrary to section 302 of the Penal Code and on a fourth Count of stealing contrary to Section 275 of the Penal Code. On the first three counts, he was sentenced to 3 years imprisonment on each count, and on fourth count he was sentenced to 18 months imprisonment.

The evidence on record, clearly shows that the appellant went out to demand money with menaces while posing as a police officer. There was ample evidence to support the convictions on all the four counts. I have no doubt, whatsoever, that the appellant was properly convicted on all the four counts. Hence, his appeal against conviction, is dismissed.

As regards sentence, I would reduce the sentence of 3 years on each count to 18 months imprisonment in respect of counts 1, 2 and 3. The sentence of 18 months imprisonment in respect of count 4, will remain undisturbed. The sentences in all the four counts will run concurrently, so that the appellant will now serve a total of 18 months in prison. Order accordingly.

Delivered at Nairobi, this 6th day of December, 1984.

E O'KIBASU

JUDGE