



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NYANDARUA
CRIMINAL APPEAL NO. E033 OF 2025

DANIEL NGIGE NDORO..... APPELLANT
VERSUS

REPUBLIC..... RESPONDENT

(From the original judgment in Criminal Case No. E469 of 2024 of the Senior Principal Magistrate's Court at Engineer by Hon. H. Adika – Principal Magistrate)

JUDGMENT

1. Daniel Ngige Ndoro, the appellant herein, was convicted of the offence of handling stolen goods contrary to section 322 (1) as read with section 322 (2) of the Penal Code.
2. The particulars of the offence are that on the 23rd day of August 2024 at Ndunyu Njeru, North Kinangop sub-County of Nyandarua County, otherwise than in the course of stealing, he dishonestly retained a Galaxy TV set, valued at Kshs. 12,000, knowing or having reasons to believe them to be stolen goods.
3. The appellant was sentenced to serve five years' imprisonment. He was dissatisfied and filed this appeal against both the conviction and the sentence.
4. The state opposed the appeal through M/s Vena Odero, learned prosecution counsel, because it lacked merit.
5. This is a first appellate court. As expected, I have independently analyzed and assessed all the evidence presented in the lower court. I have reached my conclusions, noting that I have neither seen nor heard any witnesses. My guidance will be based on the well-known case of **Okeno vs the Republic [1972] EA 32.**
6. Michael Gathuku Gitau (PW1) testified that his bar was broken into on the night of 22nd August 2024, and his Galaxy TV set was stolen.
7. While police officers were on patrol, a man saw them, entered his room, and vanished. He did not lock the door, and upon inspection, police found some items they suspected were stolen. Among these was a Galaxy TV set, which the complainant later identified as his. This summarizes the evidence provided by PC Onesmus Macharia (PW3).

8. PC Lewis Majani (PW4) testified that after the complainant had reported the incident of the bar breaking, he went and confirmed the same. The appellant was later arrested.
9. Daniel Ngige Ngoro, the appellant, in his defence, stated that he had bought the TV set.
10. The appellant was found in possession of the TV set only hours after the theft. Had the trial magistrate invoked the doctrine of recent possession, he could have inferred that he must have been the one who committed the offence of breaking into the bar and stealing from therein.
11. The conviction for handling stolen goods was, therefore, based on sound evidence.
12. Section 322 (2) of the Penal Code provides:

A person who handles stolen goods is guilty of a felony and is liable to imprisonment with hard labour for a term not exceeding fourteen years.
13. The sentence meted out was appropriate and cannot be termed as excessive.
14. The appeal is dismissed.

Delivered and signed at Nyandarua, this 11th day of February 2026

**KIARIE WAWERU KIARIE
JUDGE**