



IN THE HIGH COURT OF KENYA

AT KISUMU

CRIMINAL APPEAL NO. 21 OF 2003

BONFACE OCHIENG OYOMBE.....APPELLANT

VERSUS

REPUBLICPROSECUTOR

(FROM ORIGINAL KSM CR. CASE NO. 798 OF 2002)

JUDGMENT

BONFACE OCHIENG OYOMBE the appellant pleaded guilty to the offence of housebreaking and stealing contrary to section 304 (1) and 279(b) of the Penal Code. Upon his conviction he was sentenced to 3 years imprisonment on each limb of the charge and that the sentences were to run concurrently. He has now lodged this appeal which technically is against the sentence only by virtue of Section 348 of the CPC.

The sentences are lawful and are not excessive in the circumstances . His mitigation were taken into consideration.

The appeal stands dismissed .

Dated and delivered this 21st November 2003.

B.K. Tanui
JUDGE



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