



Case Number:	crim app 27 of 02[1]
Date Delivered:	16 May 2003
Case Class:	Criminal
Court:	High Court at Kisii
Case Action:	-
Judge:	Isaac Charles Cheskaki Wambilyangah
Citation:	MUSA OTIENO GETA vs REPUBLIC[2003] eKLR
Advocates:	-
Case Summary:	-
Court Division:	-
History Magistrates:	-
County:	-
Docket Number:	-
History Docket Number:	-
Case Outcome:	Allowed
History County:	Baringo
Representation By Advocates:	Neither party represented
Advocates For:	-
Advocates Against:	-
Sum Awarded:	-
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REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISII

CRIMINAL APPEAL NO.27 OF 2002

(From original conviction and sentence of the SRM's court at Oyugis in criminal

case No.392 of 2001.)

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CRIMINAL APPEAL NO.27 OF 2002

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MUSA OTIENO GETA APPELLANT

VERSUS

REPUBLIC RESPONDENT

JUDGMENT:

The complainant's stolen goods were undoubtedly recovered from the custody of the appellant. He was thus in recent possession of stolen goods. He did not give an account of how he got unto that possession. Such failure to give an account entitled the court to presume to be the thief or dishonest handler.

So I find that he was properly convicted. The appeal in that regard is thus dismissed.

But since many of the stolen items were recovered I hold that the sentence of 7 years imprisonment imposed on him was manifestly excessive and so I reduce it to 15 months imprisonment.

Dated and delivered on the 16/5/2003.

**I.C.C. WAMBILYANGAH
JUDGE**



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