



**Monyoncho v Republic (Criminal Appeal 4 of 2018)
[2022] KECA 1249 (KLR) (9 November 2022) (Judgment)**

Neutral citation: [2022] KECA 1249 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT KISUMU
CRIMINAL APPEAL 4 OF 2018
PO KIAGE, F TUIYOTT & JM NGUGI, JJA
NOVEMBER 9, 2022**

BETWEEN

ALEX ABUGA MONYONCHO APPELLANT

AND

REPUBLIC RESPONDENT

*(An appeal from the judgment of the High Court of Kenya at Nyamira
(Nangillah, J.) dated 22nd April, 2016 in HCCRA No. 16 of 2015)*

JUDGMENT

1. Learned counsel Mr Mokaya, after engaging us in a rather lengthy discussion of the question of age of the complainant, in the end conceded, as he had to, that the proper way to go was for him to withdraw the appeal against conviction, which he did.
2. Having left only the ground on sentence, which he urged before us, and given the gracious concession by the Republic through learned counsel Mr Okango, that the sentence imposed upon the appellant could be reduced to 10 years imprisonment, we, upon consideration of this appeal and of the submissions that have been made by counsel before us, think that this appeal is for allowing on sentence. We therefore set aside the sentence imposed on the appellant, and substitute therefor an order that he shall serve the term already served.
3. In the result, the appellant shall be set at liberty forthwith, unless otherwise lawfully held.

Order accordingly.

DATED AND DELIVERED AT KISII THIS 9TH DAY OF NOVEMBER, 2022.

P O KIAGE

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JUDGE OF APPEAL

F TUIYOTT

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JUDGE OF APPEAL

JOEL NGUGI

.....

JUDGE OF APPEAL

I certify that this is a true copy of the original

DEPUTY REGISTRAR

