



As for the real ground of this appeal I would say from the very start that the sentence meted upon the appellant was excessive considering the fact the appellant was a first offender, she had pleaded guilty to the offence thus saving courts time and expenses, the amount involved was only 70,000/- and the appellant appeared repentant. It would appear the learned trial magistrate did not address his mind to all these mitigating factors, had he done so he would possibly have imposed a lesser sentence than what he imposed. The learned magistrate's statement that this kind of crime is prevalent in the area was speculative as there was no evidence before him to establish that the crime was common in that part of the country.

Considering all the circumstances of this case I do allow this appeal and set the sentence of 12 months imprisonment imposed upon the appellant and I replace that sentence with a sentence of 3 months imprisonment. So I order.

C.M. KATO

JUDGE

7/9/1994