

R. v. EDWARD NSOKOLO.

CRIMINAL REVIEW CASES NOS. 39 AND 40 OF 1940.

Sentence—principles to be considered.

This case sets out the five principles which should guide the Court when considering what sentence is to be imposed.

For further cases in which are considered the principles governing punishment see *R. v. Sikopo John* 1 N.R.L.R. 102; *R. v. Shunga White* 1 N.R.L.R. 113, and *Simasiku v. The King* 4 N.R.L.R. 114.

Law, C.J.: The accused was convicted, in two separate cases, of having committed similar offences on the nights of the 17th and 19th November, 1939, and was sentenced to three years imprisonment with hard labour in respect of each case. It is true that the offence is a serious one involving a heavy penalty, but every case must be considered not only with regard to its own particular facts but in the light of certain guiding principles. The question in these two cases is whether, in the circumstances, the sentences are not so unduly severe as to warrant their reduction by the High Court. The principles referred to are:

- (1) Intrinsic value of the subject matter.
- (2) Antecedents of the accused.
- (3) Youth of the accused.
- (4) Conduct of the accused at the trial, particularly with regard to his plea.
- (5) Prevalence of the particular crime in this neighbourhood.

Reference is also invited to the headnote of the case *Rex v. Shunga White* N.R. Law Reports, 1931-1937, page 113, which speaks to a series of offences of a similar nature forming one lapse into crime. I would mention that the five principles enumerated above were set out in the Kenya case referred to in *Rex v. Shunga White*.