

REPUBLIC OF KENYA

HIGH COURT OF KENYA

AT NAIROBI

CRIMINAL DIVISION AT MILIMANI

CRIMINAL REVISION APPLICATION NO. 151 OF 2019

DINAH MBAAH.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

RULING ON SENTENCE

1. Pursuant to the judgment delivered herein on 24th May 2017 confirming the conviction of the appellant on the charge of; grievous harm contrary to; section 234 of the penal code, the court ordered for a pre-sentence report.
2. Upon receipt of the said report and I note from the contents thereof that, as much as the appellant's plight is well detailed therein, indicating her remorse for the offence and the desire of her family members to have her reintegrated back into the society, the plight of the victim speaks volume.
3. The report expressly shows that the victim is helpless and has lost hope in life. The damage caused to her as a result of; the injuries inflicted on her by the appellant, has had a heavy psychological, emotional, social and financial far reaching impact, on her. Put simply that; "she has lost hope" in life.
4. The court appreciates the fact that, no amount of punishment, however severe, can remedy the victim's situation. However, a non-custodial sentence and/or an otherwise lenient sentence will break the victim little hope in life (if any) put it otherwise the "camel's back". She will be left destitute in search for justice.
5. Similarly, the kind of anger visited upon the victim by the appellant while assaulting her, speaks for itself. It will not be safe to release her back to the society, when that anger has not been managed. Therefore, the sentence pronounced herein should serve both rehabilitative and deterrence purposes.
6. Having considered the period, the appellant was on trial of approximately one and a half (1 ½) years, and the period she has been in custody for about four years, I sentence her to serve a custodial sentence of fifteen (15) years. This period has already taken into account, the period in custody and the sentence so far served. Therefore, it will take effect from the date of pronouncement thereof, the 28th June 2021. It is so ordered.

Right of appeal fourteen (14) days explained.

DATED, DELIVERED VIRTUALLY, AND SIGNED ON THIS 28TH DAY OF JUNE, 2021

GRACE L NZIOKA

JUDGE

In the presence of:

Mr Rutto for the appellant

Ms Ndombi for the Respondent

Edwin Court Assistant