

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT ELDORET

CORAM: D. S. MAJANJA J.

CRIMINAL APPEAL NO. 21 OF 2013

BETWEEN

JAPHETH KIMELI SANG.....APPELLANT

AND

REPUBLIC.....RESPONDENT

(Being an appeal against the original conviction and sentence of Hon. B. Limo, RM dated at 7th February 2013 at the Magistrates Court at Kapsabet in Criminal Case No. 2923 of 2012)

JUDGMENT

1. The appeal is against the sentence only as the appellant, **JAPHETH KIMELI SANG**, pleaded guilty and was convicted of the offence of causing grievous harm contrary to **section 234** of the *Penal Code (Chapter 63 of the Laws of Kenya)*. It was alleged that on 2nd July, 2012 at Kapteldon Village, Kabiagaga Location within Nandi County, he unlawfully assaulted Elizabeth Mwei by boxing her on her face causing her to fall down on her right arm which got fractured thereby occasioning her grievous harm.

2. The appellant was sentenced to 10 years' imprisonment. Considering that he was a first offender had pleaded guilty and was remorseful, I hereby reduce the sentence to **seven (7) years'** imprisonment.

DATED and DELIVERED at ELDORET this 25th day of APRIL 2019.

D.S. MAJANJA

JUDGE

Appellant in person.

Ms Mokuu, Prosecution Counsel, instructed by the Director of Public Prosecutions for the respondent.