

IN THE HIGH COURT AT KIAMBU

CRIMINAL APPEAL NO. 16 OF 2017

BETWEEN

L N K APPELLANT

AND

REPUBLIC RESPONDENT

(Being an appeal against the original conviction and sentence dated 22nd December 2015 in Criminal Case No. 479 of 2014 at Githunguri Senior Resident Magistrates Court before Hon.W. Ngumi, PM)

JUDGMENT

1. The appellant **L N K** was charged and convicted of the offence of causing grievous harm to **V W K**, his mother, on 3rd May 2014 at about 11.00am at [particulars withheld] village, Komothai Division, Kiambu County. He was sentenced to 15 years' imprisonment. He appeals against the conviction and sentence.
2. At the hearing of the appeal, the appellant pleaded for leniency. His mother was present in court and she too urged the court to release the appellant. It appears from the record that the appellant was suffering from some mental illness and was not taking his medication at the time he committed the offence.
3. Considering the circumstances, I hereby reduce the sentence to 5 years' imprisonment from the date of conviction. I direct that the appellant's sentence shall be suspended for a period of **two (2) years**. Should the appellant be charged and convicted of any offence during that period, he shall be committed to serve the balance of his sentence. If he is of good behavior, he shall be discharged after two years from today's date.
4. The appellant is ordered released unless otherwise lawfully held.

DATED and DELIVERED at KIAMBU this 21st day of February 2018.

D.S. MAJANJA

JUDGE

Appellant in person.

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