

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NANYUKI

CRIMINAL APPEAL NO 8 OF 2017

JOSEPH KINYUA KAUNGA.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

(Appeal from original sentence dated 5/10/2016 in Nanyuki CM Criminal Case No 222 of 2016 – W J Gichimu, PM)

J U D G M E N T

1. The Appellant, **Joseph Kinyua Kaunga**, was convicted of *grievous harm* contrary to **section 234** of the *Penal Code* and sentenced on 05/10/2016 to four (4) years imprisonment. He has appealed against the sentence only.
2. Trial of the Appellant commenced and three prosecution witnesses (including the complainant and the clinical officer) testified before he pleaded guilty to the offence.
3. The Appellant attacked his own younger sister with a panga and inflicted upon her serious injuries which saw her admitted to hospital for a week. He attacked her because she had cautioned the family land which he wanted to sell to the detriment of the rest of the family.
4. Although the Appellant was a first offender who pleaded guilty (albeit at the last moment), it is to be noted that *grievous harm* carries a maximum sentence of life imprisonment. The Appellant received only 4 years. Considering the injuries suffered by the complainant, and notwithstanding that the trial court did not specifically take into account the eight (8) months that the Appellant was in custody during his trial, he clearly got a very lenient sentence. He should consider himself lucky.
5. I find no reason at all to interfere with the sentence meted out to the Appellant. This appeal has no merit at all and it is hereby dismissed. It is so ordered.

DATED AND SIGNED AT NANYUKI THIS 23RD DAY OF OCTOBER 2018

H P G WAWERU

JUDGE

DELIVERED AT NANYUKI THIS 25TH DAY OF OCTOBER 2018