

IN THE HIGH COURT OF KENYA

AT MURANG'A

CRIMINAL APPEAL NO 69 OF 2013

(FORMERLY NYERI HC CR APPEAL NO 77 OF 2010)

(Appeal from conviction and sentence in Kigumo SRM

Criminal Case No 1746 "B" of 2006 – M W Mutuku, SRM)

SAMUEL WANJATHI MURIGI.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

J U D G M E N T

- 1.** The Appellant was convicted after trial of manslaughter contrary to **section 202 as read with section 205** of the *Penal Code*. On 31/03/2009 he was sentenced to eight (8) years imprisonment.
- 2.** Despite service upon him the Appellant never appeared to prosecute his appeal, which was against both conviction and sentence. With remission he had long served his sentence. Learned prosecution counsel supported the conviction.
- 3.** I have perused the record of the trial court in order to evaluate the evidence placed there and arrive at my own conclusions regarding the same. This is my duty as the first appellate court. I have however given due allowance for the fact that I neither heard nor saw the witnesses myself.
- 4.** I am satisfied that the Appellant was convicted upon good and sound evidence; the conviction cannot be faulted upon any lawful ground. The prosecution proved their case beyond reasonable doubt, and the Appellant was properly convicted. It is not surprising that he has not bothered to prosecute his appeal.
- 5.** In the event, this appeal has no merit, and the same is hereby dismissed in its entirety. It is so ordered.

DATED AND SIGNED AT MURANG'A THIS 22ND DAY OF JUNE 2017

H P G WAWERU

JUDGE

DELIVERED AT MURANG'A THIS 23RD DAY OF JUNE 2017