



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MERU

CRIMINAL APPEAL NO. 186 OF 2009

STANLEY NTARANGWIAPPELLANT

VERSUS

REPUBLICRESPONDENT

(FROM ORIGINAL CONVICTION AND SENTENCE IN CRIMINAL CASE NO.1995 OF 2004 OF THE PRINCIPAL MAGISTRATE'S COURT AT MAUA)

J U D G M E N T

The appellant **STANLEY NTARANGWI** was charged with an offence of grievous harm contrary to Section 234 of the Penal Code.

The appellant pleaded not guilty to the charge. That upon hearing the trial court convicted the appellant and sentenced him to serve 20 years imprisonment.

The appellant being aggrieved by the conviction and sentence preferred this appeal. The appellant is seeking his sentence to be reduced on the grounds that the sentence was excessive. During the hearing of the appeal the appellants abandoned his appeal against the conviction and proceeded on with the appeal against the sentence.

Section 234 of the Penal Code provides:-

234. Any person who unlawfully does grievous harm to another is guilty of a felony and is liable to imprisonment for life.

Mr. Ongige, learned state counsel opposed the appeal on grounds that the injuries sustained were serious and led to amputation of complainants hand.

The trial court in sentencing the appellant observed that the appellant was not remorseful and noted the complainant's right hand was amputated. Section 234 of the Penal Code provides a sentence upto life imprisonment. The sentence imposed upon the appellant was 20 years and therefore within the law, however in view of the mitigating factors the sentence imposed in this court's view is excessive, the same is reduced to 14 years with effect from the date of conviction.

DATED, SIGNED AND DELIVERED AT MERU THIS 28th DAY OF OCTOBER,2013.

J. A. MAKAU

JUDGE

DELIVERED IN OPEN COURT IN THE PRESENCE OF:-

1. Appellant in person

2. Mr. Ongige for the State

J. A. MAKAU

JUDGE