



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KERUGOYA
CRIMINAL APPEAL NO. 39 OF 2013

PETER MURIITHI MUCHIRA APPELLANT

VERSUS

REPUBLICRESPONDENT

**(APPEAL ARISING FROM THE JUDGMENT OF THE PRINCIPAL MAGISTRATE'S COURT
AT GICHUGU (T.M. MWANGI – P.M) IN CRIMINAL CASE NO. 706 OF 2010 DELIVERED
ON 7TH APRIL 2011)**

JUDGMENT

The appellant herein PETER MURIITHI MUCHIRA was convicted by the Principal Magistrate Gichugu (Mr. T.M. Mwangi) for the offence of grievous harm and sentenced to five (5) years imprisonment on 7th April 2011. He filed an appeal against both the sentence and conviction but during the hearing of his appeal, he abandoned the appeal against conviction and both he and the State Counsel Mr. Omayo addressed me only on sentence. The appellant stated that he has been in jail for long while Mr. Omayo was of the view that the sentence of five (5) years was infact lenient.

According to the evidence of Nelson Macharia Maina a Clinical officer who attended to the complainant and produced the P3 form, the degree of injury was grievous harm and complainant suffered a deep cut on the right thumb which was fractured and also cuts on the left foot. The appellant was a first offender as there were no records of any prior conviction. The injuries were no doubt serious but I think a sentence of five (5) years imprisonment was on the high side in the circumstances of this case. I would reduce the sentence to three (3) years from the date of conviction i.e. 7th April 2011. The appeal only succeeds to that extent.

B.N. OLAO

JUDGE

26TH NOVEMBER, 2013

26/11/2013

Coram

B.N. Olao – Judge

CC – Muriithi

Appellant – present

Mr. Omayo State Counsel – present

COURT: Judgment delivered in open Court this 26th day of November 2013.

Mr. Omayo State Counsel present

Mr. Muriithi Court clerk present

Appellant in person present.

Right of appeal explained.

B.N. OLAO

JUDGE

26TH NOVEMBER, 2013