

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

CRIMINAL APPEAL NO.318 OF 2010

CATHERINE WAMBOI KARARI.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

**[An Appeal from original conviction and sentence in Nyahururu P.M.A.CR.C.NO.2597/2010 by
Hon A. B. Mong'are, Senior Resident Magistrate, dated 19th October, 2010]**

JUDGMENT

Appeal considered. The State has conceded the appeal on sound grounds. The appellant was charged with **creating disturbance** contrary to **section 95(1)(b)** of the **Penal Code** and **abandoning a child** contrary to **section 127(1)(a)** of the **Children's Act**.

The appellant pleaded guilty. That plea is not a bar to appeal on any other ground other than the legality or severity of sentence. The sentence on the 1st count – 1 year was illegal as the sentence provided for is 6 months. The sentence on the 2nd count – 4 years was excessive in view of the circumstances.

In respect of the sentence in count 1, the same is set aside. The sentence in the 2nd count is reduced to the period already served.

Appeal allowed to the extend stated

Dated, Signed and Delivered at Nakuru this 24th day of January, 2012.

W. OUKO

JUDGE