



REPUBLIC OF KENYA

IN THE HIGH COURT

AT BUSIA

Criminal Appeal 83 of 2011

SAMUEL OKUMU OKUMU

.....APPELLANT

VERSUS

REPUBLIC

RESPONDENT

7/5/2012

Before: Kimaru J.

Mutai – court clerk

Mr. Okeyo for State

Samuel OkumuOkumu – appellant present

APPELLANT

I am ready with my appeal. I have prepared written submissions which I pray that the court considers. This is a family dispute I did not kidnap the child. I did not make the demand. The truth of the matter is that I did not kidnap the child or demand to be paid ransom. The child recognized me as the father. I had stayed with her for six years before we disagreed with my wife. The charge was instigated by my sister-in-law. I have been in jail for two years. I do not know anything about the child. My sister in law was looking for a way to separate me with my wife. I had lived with my wife for six (6) years. I suspected my wife of stealing ksh.70000/= from me but this was an issue I was prepared to resolve domestically. I have no grudge against my sister-in-law. She is the one who has bad intentions for me. This wife is my second wife. We had 2 children. Our other child a boy died. I still love my second wife. I have a first wife who has 4 children. That’s all. This was a family dispute.

OKEYO

We oppose the appeal. The appellant pleaded guilty. The appellant admitted committing the offence in ground 4 & 5. I will respond the appeal on sentence only. Section 259 P.C. on conviction. The maximum

sentence is 7 years. The appellant was sentenced to serve seven (7) years imprisonment. The child was recovered and returned to the mother. The seven (7) years imprisonment is lawful. The appeal should be dismissed.

APPELLANT

I plead for leniency from this court. I used to be a fisherman. I am the sole provider to my family. My first born willing form 1 next year.

ORDER

The ground placed before this court in the petition of appeal appealing against sentence are not tenable. The sentence was legal. The appellant appears not to be remorseful or to have come into realization of the crime that he committed. The appeal is hereby dismissed. The appellant shall serve the sentence imposed by the lower court.

L. KIMARU

J U D G E