



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MERU

HC.CRA NO. 33 OF 2007

(From: Original Criminal Case No. 2050 of 2007 TIGANIA; G. OYUGI SRM)

LESIT J.

CELESTION MURITHI.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

J U D G E M E N T

The appellant was charged with one count of grievous harm contrary to Section 234 of the Penal Code. He was found guilty, convicted and sentenced to 20 years imprisonment. The appellant filed this appeal against sentence.

In his submissions before this court, the appellant pleaded with the court to reduce his sentence. Mr. Musau, learned Counsel for the State opposed the appeal. Counsel submitted that the sentence is lawful and appeal should be dismissed.

I have carefully considered this appeal. I have perused the proceedings of the lower court and find that the learned trial magistrate gave due consideration to the nature of the injuries suffered by the complainant and how they have impacted on him including how the complainant's life has changed as a result of the injuries suffered.

I have considered the complainant's evidence and found the circumstances of the case were very serious. The appellant suddenly attacked the complainant, cutting him severally in various parts of his body. The injuries he suffered led to amputation of the complainant's thumb, deformation of the knee leading to the complainant being reduced to a cripple and to be hospitalized for six months. I find that the offence was aggravated by the appellant's lack of remorse and escape for two months after committing this offence. After considering all the circumstances of the case, the injuries inflicted on the complainant and fact he

has been rendered a cripple for life, the sentence imposed against the appellant was quite fair.

Having come to that conclusion, I find no merit in appellants appeal against sentence and I dismiss it accordingly.

Dated, Signed and Delivered at Meru this 26th day of May, 2011.

LESIT, J.

JUDGE