



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT KISII

Criminal Appeal 112 of 2009

(Being an appeal from original conviction and sentence of the CM's court at Kisii in criminal case No. 43 of 2009 – C.A. OKORE, DM II)

BETWEEN

MOKEIRA KERUBO APPELLANT

VERSUS

REPUBLIC RESPONDENT

JUDGMENT

The appellant was convicted for the offence of assault causing actual bodily harm contrary to **section 251** of the **Penal Code**. She was sentenced to two years' imprisonment. She appealed against the sentence saying that the same was harsh and excessive.

Mr. Mutai, Senior State Counsel, opposed the appeal and submitted that the sentence was neither harsh nor excessive.

According to the medical examination report that was tendered in evidence, the appellant assaulted the complainant on 2nd January 2009. She hit the complainant on her neck and on the left eye. She also pulled off her hair on the left side of the head.

The appellant was a first offender and has been in prison since 8th May 2009. In my view, she has been punished sufficiently. I therefore allow the appeal and reduce the sentence to the period already served. The appellant is set at liberty unless otherwise lawfully held.

DATED, SIGNED AND DELIVERED AT KISII THIS 14TH DAY OF MAY, 2010.

D. MUSINGA
JUDGE.
14/5/2010

Before D. Musinga, J.

Mobisa – cc

Mr. Mutuku for the state

Appellant present

Court: Judgment delivered in open court on 14th day of May, 2010.

D. MUSINGA
JUDGE.