



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MERU

HCcA NO. 146 OF 2007

SUSAN MWIKIUNAAPPELLANT

VERSUS

REPUBLIC.....RESPONDENT

*(An Appeal against the Judgment of Hon. Mr. G. Oyugi S.R.M. in Criminal Case No. 921 of 2007
delivered on 15th September 2004)*

RULING

The appellant was convicted for the offence of Grievous Harm C/S 234 of the Penal Code. She was sentenced to 5 years imprisonment. When she came before me on appeal, she informed the court that she has only two months left before she completes her sentence. She therefore indicated that she would only want the court to consider her sentence. The appellant has virtually completed her sentence before the appeal could be heard.

I noted she has served almost the entire prison sentence with a small child whom she was carrying with her when she came to court. She is a young mother. She pleaded for mercy on grounds of her other children whom she says she has not seen for the 3 years she has been in prison. I consider that the sentence so far served is sufficient punishment for the offence committed.

I therefore allow her appeal against the sentence and reduce it to the period already served. The appellant should be set at liberty unless otherwise lawfully with held.

Dated, signed and delivered at Meru this 15th day of October 2010

Lesiit, J
Judge.