



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**  
**AT NAKURU**

**Criminal Appeal 215 of 2008**

**(From original conviction and sentence in Criminal Case No.1446 of 2008 of the Principal Magistrate's court at Molo – S.M.S. SOITA, PM)**

**PETER MAINA MWANIKI.....APPELLANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**JUDGMENT**

**PETER MAINA MWANIKI**, the appellant was upon his own plea of guilty to a charge of threatening to kill contrary to **Section 223(1)** of the **Penal Code** convicted and sentenced to five years imprisonment. He has appealed against that sentence.

At the hearing of his appeal the appellant submitted that he has reformed and is now a preacher. Vowing not to commit any other offence he pleaded with me to commute the remaining eleven months of his sentence so that he can go home and look after his young family. Mr. Gumo for the state left the matter of sentence to me.

Having considered the matter and taking into account the fact that the appellant has almost completed serving his sentence, I reduce his imprisonment to such a term as will secure his immediate release. The appellant shall therefore be released forthwith unless otherwise lawfully held.

**DATED and delivered at Nakuru this 25<sup>th</sup> day of November, 2009.**

**D. K. MARAGA**

**JUDGE.**