

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT BUNGOMA

Criminal Appeal 51 of 2007

WYCLIFFE SIMIYU MWENYA & ANOTHER.....APPELLANTS

VRS

REPUBLIC.....RESPONDENT

JUDGMENT OF THE COURT

I have considered the grounds of petition raised by both appellants herein. Firstly, the plea was properly taken. The appellants each admitted the charge.

The plea was unequivocal as they both admitted the facts after the same were read over to them. They did not raise the issue of self defence which they seek to raise in their petitions of appeal. This cannot be done at this stage.

Accordingly, I am inclined to agree with the State Counsel that this appeal lacks merit. The conviction was proper, the sentence was lawful and not excessively harsh. I have no basis of interfering with the sentence or conviction.

Accordingly, this appeal is hereby dismissed and the sentence of 2 years imprisonment each upheld.

W. KARANJA

JUDGE

22/1/2008