



**REPUBLIC OF KENYA**  
**INTHE HIGH COURT AT NAKURU**  
**CRIMINAL APPEAL 83 OF 2007**

**DANIEL KORIR.....APPELLANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**JUDGMENT**

**DANIEL KORIR**, the Appellant, was, in Eldama Ravine RMCRC No.432 of 2005 charged with grievous harm contrary to **Section 234** of the **Penal Code**. The particulars of the charge against him were that on 4<sup>th</sup> May 1997 at Poror Village in Koibatek District of Rift Valley Province jointly with another before court he unlawfully did grievous harm to Kipkemboi Kiyeng. He pleaded not guilty to the charge but after trial before the Resident Magistrate at Eldama Ravine he was convicted and sentenced to 7 years imprisonment. He had appealed against both the conviction and sentence.

At the hearing of the appeal the Appellant abandoned his appeal against conviction and pleaded for the reduction of the sentence imposed upon him describing it as harsh. He said for the four years he has been in prison he has suffered a lot. Mr. Mugambi for the state left the matter of sentence to me.

I have considered the matter and carefully read the lower court record. The Appellant and his brother viciously attacked the complainant alleging that he had caused them to sell their cow and bail out their brother. It is clear from the record that had it not been for PW2's intervention the appellant would have killed the complainant. Even after being separated he still tried to finish the complainant but the panga he had broke into pieces. The record also shows that in court he menacingly pointed at the complainant and the trial magistrate remarked that given a chance he will kill the complainant. In the circumstances the Appellant is not a person to whom any leniency should be extended. Infact the sentence of 7 years imprisonment imposed upon him was in the circumstances in this case quite lenient. I find no merit in this appeal and I hereby dismiss it in its entirety.

**DATED and delivered at Nakuru this 31<sup>st</sup> day of October, 2008.**

**D. K. MARAGA**

**JUDGE**