

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT ELDORET

Criminal Appeal 96 of 2007

STELLA JEPTOO.....APPELLANT

=VERS=

REPUBLIC.....RESPONDENT

JUDGEMENT

The State Concedes to the Appeal. This is for sound reasons. This was a domestic dispute. The husband was willing to withdraw the Complaint.

The accused's Children are aged 7 years, 3 years and 7 months. It was quite harsh to Sentence the mother to 3 years imprisonment for Child neglect. The matter before the Court was a sOCIAL problem that required Counseling and family intervention. By the Sentence, the Children were deprived of their mother's rehabilitation and protection.

The Courts should be humane and compassionate in such matters of parental responsibility. The Children's Act is supposed to support the family and not to punish them or the Children.

Appeal is allowed. The Conviction is hereby quashed and Sentence Set aside – The Appellant is hereby released forthwith and unless otherwise lawfully held.

DATED AND DELIVERED AT ELDORET ON THIS 18TH DAY OF DECEMBER, 2008.

M.K.IBRAHIM,

RESIDENT JUDGE.

In the presence of:

Mr. Chirchir for the State.

Mrs. Kirui for M/S Chepchirchir for the Appellant.