

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA

AT ELDORET

Criminal Appeal 36 of 2006

JOSPHAT WANDERA.....APPELLANT

=VERSUS=

REPUBLIC.....RESPONDENT

JUDGMENT

This is an appeal against sentence. The Appellant was convicted for the offence of grievous harm contrary to section 234 of the Penal Code. He attacked his wife with a screw driver and raptured her eye-ball. She lost her eye and sight. Accused was sentenced for 10 years imprisonment. This was a brutal attack by the accused on his wife.

It is noted that the accused and the Complainant had been drinking when the assault took place after a quarrel. It is noted that the appellant and the wife are still married and have 4 children together.

Taking into all circumstances, I think that the sentence of 10 years while not excessive will not be for ultimate benefit of the children. I think that the Appellant is remorseful and may go back to his family to be of use to the children.

I hereby set aside the sentence of 10 years and substitute it with 5 years imprisonment from the date of conviction. Orders accordingly.

DATED AT ELDORET THIS 19TH DAY OF NOVEMBER 2007

M.K. IBRAHIM,

JUDGE.