



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

**Criminal Appeal 513 of 2003**

*(From original conviction and sentence in Criminal Case No. 2576 of 2003 of the Senior Resident Magistrate's Court at MOLO – R. K. KIRUI, SRM)*

**SHADRACK LEKEKENY KIRANGANY.....APPELLANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**JUDGMENT**

The appellant was charged with grievous harm contrary to **Section 234** of the **Penal Code**. The particulars of the offence were that on the 8<sup>th</sup> April 2003 at MarishonI Farm, Elburgon in Nakuru district, he unlawfully did grievous harm to Emily Kirangany. He pleaded guilty to the said charge and was convicted and sentenced to 4 years imprisonment. The appellant was aggrieved by the said sentence and appealed against the same. In his submissions during the hearing of the appeal he told the court that the sentence was harsh and urged the court to reduce the same.

Mr. Koech, learned state counsel, opposed the appeal saying that the complainant sustained serious injuries and the sentence that was handed down by the trial court was reasonable in the circumstances.

I have considered the proceedings before the trial court as well as the submissions that were made by both the appellant and the learned state counsel. The complainant was a sister to the appellant and the appellant readily admitted having assaulted her inflicting upon her grievous harm. He showed remorse and urged the trial court to be lenient to him.

I have taken into consideration the fact that the appellant has been in jail since 3<sup>rd</sup> November 2003. In the circumstances I allow his appeal on sentence and reduce the same to the period already served. The appellant shall be set at liberty unless otherwise lawfully held.

DATED, SIGNED and DELIVERED at Nakuru this 29<sup>th</sup> day of June, 2006.

**D. MUSINGA**

**JUDGE**

**29/6/2006**

Judgment on 29/6/2006 in the presence of Mr. Koech for the state and the appellant.

D. MUSINGA

JUDGE

29/6/2006