



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

Criminal Appeal 62 of 2005

MARY WANJIRU KAMAUACCUSED

VERSUS

REPUBLIC.....RESPONDENT

JUDGEMENT

The appellant was charged with the offence of causing grievous harm contrary to section 234 of the penal code.

The particulars of the charge stated that on the 31st day of August, 2004 at Nakuru Township in Nakuru District within Rift Valley Province, the appellant did grievous harm to **Irene Wangare Njoroge**. The appellant was convicted on her own plea of guilty on 14th day of March, 2005 and she was consequently sentenced to imprisonment for 5 years with hard labour.

During the hearing of this appeal, the appellant appeal presented the only on the sentence. She urged this court to consider reducing the sentence imposed on her on the grounds that she has reformed since she has been in lawful custody from 14th March, 2005. She drew the attention to the facts offered in mitigation before the lower court and pleaded with this court to allow the appeal on sentence so that she can carry out her responsibilities of looking after her siblings. Mr. Koech, the learned Senior State Counsel did not oppose this appeal on sentence.

I have taken into account the age of the appellant and the factors in mitigation offered before the lower court. The appellant appears to be a very young woman and out of the period of 5 years, imposed upon her, she has served a period of 18 months. Since the appellant submits that she has reformed and regrets the offence that she committed I consider the period already served by the appellant as adequate punishment for the offence committed.

Accordingly I hereby reduce the sentence of 5 years and commute the same to the period already served.

The appeal on sentence is hereby allowed and accordingly the appellant is set at liberty unless otherwise lawfully held.

It is so ordered.

Judgement read and signed on 9th August, 2006.

MARTHA KOOME

JUDGE

9.8.2006

Before: Martha Koome

Mwiti: Court Clerk

Gumo for the state

Judgement read and signed on 9th August, 2006.

MARTHA KOOME

JUDGE