

Simon Kimutai Rotich v Republic

High Court, at Kericho February 23, 2004
Musinga Ag J
Criminal Appeal No 29 of 2002

The appellant pleaded guilty to two counts of greivous harm contrary to section 234 of the Penal Code and was sentenced to serve four (4) years in jail for each of the counts but the jail terms were run concurrently. He appealed against the sentence saying that it was excessive given that he was a first offender.

The state through Mr. Koech opposed the appeal and submitted that the offence with which the appellant was charged carried a maximum sentence of life imprisonment. He therefore urged the Court to uphold the sentence.

I have considered the appellant's mitigation but I am satisfied that the sentence which was handed down to hm is very lenient. I therefore dismiss the appeal.