

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISII
CRIMINAL APPEAL NO.232 OF 2003

(From original conviction and sentence of the SRM's court at Nyamira in criminal case No.482 of 2003.)

THOMAS OYAGI SABOKE APPELLANT
VERSUS
REPUBLIC RESPONDENT

JUDGMENT:

Appellant was convicted on his own plea for the offence of Grievous harm c/s 234 Penal Code by the SRM Nyamira. He has appealed against sentence only.

The appellant was sentenced to 3 years. Court was told this was excessive as the complainant was his wife and that he had some orphans he takes care of.

The fact that the complainant was accused's wife does not mitigate the offence in anyway. Infact court was told that at the time of sentencing complainant was still in hospital. 3 years was however on the higher side since the accused was a first offender.

I will therefore set aside the sentence and substitute it with that of 18 months imprisonment.

It is so ordered.

KABURU BAUNI
JUDGE
5/2/04

Signed, dated and delivered on 5/2/04. Mr. Oguttu H/B for Mr. Soire for appellant.

KABURU BAUNI
JUDGE