

IN THE HIGH COURT OF KENYA AT KISII
CRIMINAL APPEAL NO.214 OF 2003

**(From original conviction and sentence of the Chief Magistrate's court at Kisii
criminal case No.182 of 2002)**

RICHARD KIREMA SHABAAN APPELLANT

VERSUS

REPUBLIC RESPNDENT

JUDGMENT:

The appellant pleaded guilty to a charge of manslaughter c/s 202 as read with s.205 of the Penal code. He was jailed for five years. He has now appealed against the sentence. The plea was properly taken and was unequivocal. Charge was read to accused and he pleaded guilty.

As submitted by the state counsel the sentence of 5 years is not excessive. The offence carries a maximum sentence of life imprisonment.

A life was lost and though it was appellant's brother that does not make the offence any less serious. The court considered accused's mitigation before passing the sentence. This court declines to interfere with the same.

The appeal is therefore dismissed.

Dated and delivered at Kisii on 19th March 2004.

KABURU BAUNI
JUDGE

19/3/2004