

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA

AT KISII

CRIMINAL APPEAL 319 OF 2003

GLADYS MORAA OKARU APPELLANT

VERSUS

REPUBLIC RESPONDENT

JUDGMENT:

Appellant was convicted by SRM Kisii for offence of grievous harm c/s 234 Penal Code. She was sentenced to 5 years imprisonment. Appellant abandoned her ground of appeal against conviction and pursued appeal against sentence. Court was told she was in poor health and a young lady. She has Asthma.

The state counsel conceded the sentence was harsh in the circumstances. The appellant was a first offender. She told court that she was in poor health. I concur that the sentence was harsh and excessive. In the circumstances I allow appeal against sentence. I set aside the sentence of 5 years and substitute it with one of one (1) year imprisonment. It is so ordered.

KABURU BAUNI

JUDGE

27/5/2004

Mr. Onyancha for Appellant

Mr. Chirchir for State

KABURU BAUNI

JUDGE