

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

CRIMINAL APPEAL NO.131 OF 2000

**(From original conviction and sentence in Criminal
Case No.631/99 of the Resident Magistrate's Court
at E/RAVINE -C.C. CHEBII(D.M)**

BENJAMINA KOMEN.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

J U D G M E N T

The Appellant pleaded guilty to a charge of GRIEVOUS HARM contrary to Section 234 of the Penal Code. He had grievously injured his father at their home on 22/8/1999. He appeals against the sentence of 9 years Imprisonment and 4 strokes of the cane imposed against him by District Magistrate, E/Ravine. The appeal is unopposed.

The Appellant urges the court to find sentence was excessive on grounds he had pleaded guilty to the charge saving court's time, had been drunk at the time and that he was now remorseful. A charge of Grievous Harm calls for a sentence of life Imprisonment with corporal punishment. Nonetheless imprisonment for nine years is excessive. The Appellant had admitted the charge and has shown remorse for this offence. I will allow his appeal against sentence by reducing the imprisonment term to six years. I confirm the sentence of 4 strokes of the cane.

Orders accordingly.

Dated and delivered at Nakuru this 27th day of March, 2003.

JESIE LESIIT

JUDGE