



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT KISII**

**CRIMINAL APPEAL NO.16 OF 2003**

**(From original conviction and sentence of the CM's court at Kisii in criminal case No.2070 of 1998.)**

**JARED OBARA KAUMBA ..... APPELLANT  
VERSUS  
REPUBLIC ..... RESPONDENT**

**JUDGMENT:**

The appellant was convicted of manslaughter contrary to s.202 as read with s.205 of the Penal Code. He was sentenced to 10 years imprisonment. The evidence as to what happened to the deceased was given by his sister (PW1) whom the appellant had initially intended to attack with a knife: the deceased went to the scene to rescue his sister (or to find out what was happening to her). The PW1 testified that the appellant left her and proceeded to fatally stab the deceased on the chest.

PW7 said that the cause of death was a penetrating injury to the chest due to a sharp object. The knife was recovered with the help of the appellant. The appellant's defence was a mere denial.

The magistrate wrote a well reasoned judgment. The conviction was based on clear-cut and cogent evidence of an eye witness (PW1). The appellant is lucky to have escaped with manslaughter and I find no merit in his appeal. I dismiss it in its entirety. Dated and delivered on the 11th July 2003.

**I.C.C. WAMBILYANGAH  
JUDGE**