



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

**CRIMINAL APPEAL NO. 245 OF 2003**

**ABRAHAM OUMA ONDIEGE.....APPELLANT**  
**VERSUS**  
**REPUBLIC.....RESPONDENT**

**JUDGMENT**

In this case Abraham Ouma Ondiege the appellant was charged before SRM Court Siaya with assault causing actual bodily harm contrary to section 251 of the Penal Code . He denied the charge and accordingly he was tried at the end he was found guilty. Upon his conviction he was sentenced to 4 years imprisonment. He has lodged an appeal against his conviction and the sentence.

In his petition of appeal the appellant has raised the issue of identification – but that did not arise in this case as the incident took place at 3.30 p.m. during the day., The assault of the complainant was witnessed by Pw2 and Pw3 . PW6 confirmed the injuries sustained by Pw1 the complainant. The evidence against the appellant was overwhelming and the appeal is without merit. The same is dismissed.

**Dated and delivered this 21st November 2003.**

**B.K. Tanui**  
**JUDGE**