



**REPUBLIC OF KENYA**

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

**CRIMINAL DIVISION**

**CRIMINAL APPEAL NO 581 OF 2000**

**(FROM ORIGINAL CONVICTION AND SENTENCE IN CRIMINAL  
CASE NO. 12236 OF 2099 OF THE SP MAGISTRATE'S COURT AT  
KIBERA)**

**GEORGE KAMAU MWANGI.....APPELLANT  
VERSUS  
REPUBLIC.....RESPONDENT**

**J U D G M E N T**

The appellant was convicted of the offence of indecent assault on a female c/s 144(1) of the penal code. He was then sentenced to four years imprisonment with four strokes of the cane and to perform hard labour.

Being aggrieved by the said conviction and sentence he appealed. At the hearing of his appeal, the appellant admitted the offence. In essence therefore this appeal is against sentence only.

The appellant was a first offender. He did not say much in mitigation but I note that he was unrepresented. The appellant has served one year and 8 months of the total term of imprisonment. Considering the nature and circumstances of the offence, I consider this to be sufficient period of imprisonment. I therefore allow the appeal by reducing the term of imprisonment to the period already served. The appellant shall also suffer two 2 strokes of the case instead of four that were ordered by the learned trial magistrate. Thereafter, unless he is otherwise lawfully held, the appellant shall be released. Orders accordingly.

**Dated and delivered at Nairobi this 2nd day of January, 2002  
MBOGHOLI MSAGHA  
JUDGE**