

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

APPELLATE SIDE

CRIMINAL APPEAL No. 134 OF 2002

(From Original conviction and sentence in Criminal Case No. 786 of 2001 of Senior Principal Magistrate's Court at Limuru)

**ELIZABETH WANGARI.....APPELLANT
VERSUS
REPUBLIC.....RESPONDENT**

J U D G M E N T

The appellant through counsel has dropped the appeal against conviction. Having gone through the record, I believe that is the right step to take.

On sentence, I note that the appellant was charged jointly with another who was also convicted but received an option of a fine with respect, this was a joint charge and on conviction the same sentence should have been matted out.

I also note that the appellant and the complainant are close relatives and the background to their differences cannot be ignored. However, if anything, criminal justice system may add more injury to this already strained relationship.

Be that as it may, the appellant has already spent two months in prison out of the total 6 months imposed by the learned trial magistrate.

The circumstances of this case convince me that this is sufficient punishment.

Accordingly, the appeal against conviction is dismissed. Appeal against sentenced is reduced to the period already served by the appellant such that the appellant shall be set free forthwith unless otherwise lawfully held.

Orders accordingly.

**Dated and delivered at Nairobi this 20th day of March, 2002.
MBOGHOLI MSAGHA
JUDGE**