



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA  
AT MOMBASA  
APPELLATE SIDE  
CRIMINAL APPEAL NO.159 OF 2002

(From Original Conviction and Sentence in CriminL Case No.134 of 2002 of the Senior Resident Magistrate's Court at Kwale – L.N. Mbatia, Ms – S.R.M.)

SALIM FURIA SHETI.....APPELLANT  
=V E R S U S=  
REPUBLIC.....RESPONDENT

J U D G M E N T

The appellant was convicted of wounding a goat and sentenced to serve 2 years imprisonment. He is sorry. He regrets. He is 80 years old.

He is willing to compensate the owner of the goat by giving another goat.

I have considered the mitigating factors. The owner of the goat let the goats enter his shamba. Provocation came from the owner of the goats.

Appellant seems to have learnt a lesson. The sentence as it stands appears harsh in view of the appellant's age.

It is this court's opinion that the period of 7 months he has served in prison is adequate.

The sentence is accordingly reduced to 7 months which he has served.

He shall be forthwith released from prison and set free unless lawfully held on one condition, though that he shall compensate the complainant with one goat within 7 days after his release, and if he defaults, he shall be arrested and be brought to this court and will be ordered to serve the remaining part of the sentence. It is so ordered.

Dated and delivered at Mombasa this 17th day of July, 2002.

**D. A. ONYANCHA**  
**J U D G E**