

REPUBLIC OF KENYA

IN THE HIGH COURT AT NYERI

CRIMINAL APPEAL 301 OF 93

JAMES MUNGAI MWANGIAPPELLANT

VERSUS

REPUBLIC RESPONDENT

JUDGMENT

The appellant was charged in the Principal Magistrate's Court Kerugoya with the offence of manslaughter c/s 202 of the Penal Code. The particulars of the offence are that on the night of 22nd and 23rd March 1993 within Sagana Township he unlawfully killed PAULINE MUTHONI. The appellant pleaded guilty to the charge and accepted the facts as presented by the court prosecutor. He was then convicted and sentenced to serve 15 years imprisonment. This appeal is against sentence only. The appellant was convicted and sentenced on 11th August 1993. He has served slightly over 9 years of the sentence imposed. The learned Provincial State Counsel stated that the sentence imposed upon the appellant is excessive. I have considered that circumstances under which the offence was committed. The appellant is on record as a first offender. I allow the appeal against the sentence and reduce the sentence to the term already served. The appellant will be set at liberty forthwith unless he is otherwise lawfully held.

Dated this 1st day of October 2002.

J.K. MITEY

JUDGE