

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL APPEAL NO.397 OF 2000

**(From Original Conviction and Sentence in criminal Case No.431 of
2000 of the Senior Resident Magistrate's Court at Kiambu)**

SERAH WANJIKU.....APPELLANT

VERSUS

REPUBLICRESPONDENT

J U D G M E N T

The appellant was convicted of attempted infanticide contrary to section 210, Penal Code and sentenced to 6 years imprisonment on 6th April, 2000. Her appeal is against sentence only. She admits that she attempted to kill her 7 months old daughter whom she had through a boy friend. She is not legally married. She wanted to kill the daughter as she was under a lot of stress.

I called for a probation officer's report which has been submitted to me today. It is favourable. I have considered the circumstances of the offence and the probation officer's report with care. The appellant's mother is in court to-day and promised to look after the appellant. The infant is presently with the appellant's mother. It would be in the interest of the child if she gets the care attention and love from her mother i.e. the appellant. The appellant is very much fond of her said daughter and regrets what she did under stress and tedious.

I consider this to be a suitable care for probation. I set aside the prison sentence and put the appellant on probation for two years. Probation explained.

V.V. PATEL

JUDGE

11/7/2000