



**Poghisio v Republic (Criminal Appeal E006 of 2025)
[2025] KEHC 10437 (KLR) (16 July 2025) (Judgment)**

Neutral citation: [2025] KEHC 10437 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAPENGURIA
CRIMINAL APPEAL E006 OF 2025
RPV WENDOH, J
JULY 16, 2025**

BETWEEN

SAMUEL POGHISIO APPELLANT

AND

REPUBLIC/STATE RESPONDENT

JUDGMENT

1. The appellant, Samwel Poghisho was convicted on his own plea of guilty for the Offence of Grievous harm contrary to section 234 of the *Penal Code*.
2. The particulars of the charge were that on 11/4/2023 at Tartar Area in West Pokot County, unlawfully did grievous harm to Owen Rotich. Having pleaded guilty and convicted, the appellant was sentenced to serve ten (10) years imprisonment.
3. The appellant is aggrieved by the sentence and preferred this appeal urging the court to reconsider the sentence and give him a more lenient sentence because he had been drawn to gambling and alcohol when he committed the offence; that he has now reformed while in prison and can now paint, do carpentry and tree planting. He regrets his actions and prays for the court's leniency.
4. Mr. Suter, Prosecution Counsel, opposed the appeal for reasons that the appellant is telling the court the same mitigation he made in the trial court; that he admitted being a repeat offender; that upon conviction for an offence of grievous harm, one is liable to life imprisonment. He urged the court to decline the appeal.
5. I have considered the appeal. The accused pleaded guilty and did not waste the court's time. A pre-sentence report was presented to the court by a Probation Officer. Although it recommended probation, it transpired that at that time, the appellant was already serving probation for a similar offence of assault, In Cr.C 184 of 2023. He was therefore not suitable for probation.



Grievous harm is a serious offence which attracts life imprisonment.

6. The court has looked at the P3 form and notes that the appellant attacked the victim with a sharp and blunt object. It seems he is a person who cannot control his temper. Due to the fact that the appellant was a repeat offender, the trial court had to consider deterrent sentence. However, considering the injury suffered and the fact that the appellant pleaded guilty, I find that the sentence of ten (10) years is on the higher side. I hereby set it aside and substitute it with a sentence of six (6) years imprisonment. The sentence will commence on 5.5.2023. The appeal succeeds to that extent.

DELIVERED, DATED AND SIGNED AT KAPENGURIA THIS 16TH DAY OF JULY, 2025

R. WENDOH.

JUDGE.

Judgment delivered in open court in the presence of:

Mr. Suter for the State

Appellant - Present

Juma/ Hellen - Court Assistant.

