



REPUBLIC OF KENYA



**Laima v Republic (Criminal Revision E080 of 2023)
[2023] KEHC 23870 (KLR) (6 October 2023) (Ruling)**

Neutral citation: [2023] KEHC 23870 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL REVISION E080 OF 2023
RE ABURILI, J
OCTOBER 6, 2023**

BETWEEN

ZAINAB LAIMA APPLICANT

AND

REPUBLIC RESPONDENT

*(From the original conviction and sentence in Senior Principal
Magistrate Criminal Case No. E092 of 2023 at Maseno)*

RULING

1. The convict in this Revision case file is Zainab Laima. She was convicted and sentenced to serve five (5) years imprisonment for the offence of grievous harm contrary to section 234 of the *Penal Code*, vide Maseno SPM Criminal Case No. E092 of 2023.
2. She pleaded guilty to the charge. She has not appealed against the conviction and sentence. In her mitigation, she stated that she pushed the complainant because the latter had held onto the convict's clothes. She stated that she lived with her cousin who was a caretaker and that she had a three-year-old child.
3. In the Presentence report called for by the trial court, the victim of the offence was a Maseno University student. The convict lived in the Maseno University students' hostel with her cousin who was the caretaker of the said privately rented hostels for students.
4. The assault arose when the convict and the victim went to fetch water and scrambled on who should fetch first then the convict pushed the victim who fell and sustained very serious injuries that culminated in surgery on the head and she still had serious post-surgery effects as she sustained a deep cut at the back of her head and was strangled by the convict hence the strangulation marks as per the P3 form.



5. She was admitted in hospital for twelve (12) days in High Dependency Unit HDU in Nairobi. She was traumatized. She missed classes being a 4th year and was now struggling with her studies as she was psychologically and mentally and physically affected by the injury. More than Kshs.500,000 was spent on her hospitalization.
6. The convict and her family never showed any remorse or sign of reconciliation.
7. The sentence of five (5) years imprisonment was lawful and lenient as the maximum provided in law is up to life imprisonment.
8. In the Sentence Review Report filed on August 23, 2023, the convict had only served five (5) months in prison out of the 5 years' lenient sentence. There is no reference to the victim of the offence who nearly died as a result of the vicious attack by the convict.
9. I find that the convict is not suitable for non-custodial sentence in view of the vicious attack on the victim Staphane Wanjiru Mwangi. This case is a case where had the prosecution applied for enhancement of sentence, the request would have merited as the life of an innocent university student who never provoked the convict herein was nearly cut short and her health and life has changed for the worst.
10. I decline to revise the sentence imposed and order that the convict Zainab Laima shall serve full term of five (5) years imprisonment.
11. I so order.
12. File closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 6TH DAY OF OCTOBER, 2023.

R. E. ABURILI

JUDGE

