



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT KABARNET**

**CRIMINAL APPEAL NO. 188 OF 2017**

**DANIEL EKURU.....APPELLANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

***[An appeal from the original conviction and sentence in criminal case no. 361 of 2016 in the Principal Magistrate's Court at Kabarnet delivered on the 27<sup>th</sup> day of February, 2017 by Hon. S.O. Temu (PM)]***

**JUDGMENT**

The Court has noted that the accused has been in custody for 1 year 9 months of the 5 year sentence. The Court has also heard the two complainants on the counts the subject of the appeal and their desire to reconcile with the appellant. The Court promotes Alternative Dispute Resolution mechanism of Article 159 of the Constitution and in this case, pursuant to section 354 of Criminal Procedure Code, while affirming the conviction for the offences of grievous harm contrary to section 234 of Penal Code and assault causing actual bodily harm contrary to section 251 of Penal Code, reduce the sentences to period already served so that appellant is released from custody forthwith unless he is otherwise lawfully held.

*Order accordingly.*

**DATED AND DELIVERED THIS 4<sup>TH</sup> DAY OF DECEMBER, 2018**

**EDWARD M. MURIITHI**

**JUDGE**

**Appearances:**

Appellant in person.

Ms. Macharia, Assistant DPP for the Respondent.