



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT AT HOMA BAY**  
**CRIMINAL APPEAL NO. 93 OF 2014**

**BETWEEN**

**STEVEN OMONDI ..... APPELLANT**

**AND**

**REPUBLIC ..... RESPONDENT**

(Being an appeal from the original conviction and sentence in  
Criminal Case No. 2 of 2011 at Principal Magistrate's Court at Homa Bay,  
Hon. N.N. NJAGI, PM dated on 4TH July 2012)

**JUDGMENT**

The appellant, **STEVE OMONDI**, was charged with causing grievous harm contrary to **section 234** of the *Penal Code (Chapter 63 of the Laws of Kenya)*. He stabbed one Hellen Atieno on 6<sup>th</sup> November 2010 at Sofia Estate in Homa Bay and was accordingly convicted and sentenced to 20 years imprisonment.

Mr. Oluoch, learned counsel for the State, on his part, urged the court not to interfere with the sentence as it was merited as the appellant used a dangerous weapon with the intention of maiming the complainant. That the resulting injuries were serious and that the complainant was in hospital for 21 days and would have died.

I have considered the sentence imposed in light of the fact that the maximum sentence for grievous harm is life imprisonment. I have also considered that the incident was unprovoked and the accused used a knife to stab the complainant. The injuries sustained were very serious and in light of the factors the learned magistrate held that a sentence of 20 years was merited.

**DATED and DELIVERED at HOMA BAY on this 6<sup>th</sup> November 2014.**

**D.S. MAJANJA**

**JUDGE**

Mr Nyauke, instructed by Nyauke & Company Advocates for the appellant.

Mr Oluoch, Senior Deputy Director of Public Prosecutions, for the respondent