

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
APPELLATE SIDE
CRIMINAL APPEAL NO. 835 OF 1996

**(From Original Conviction/Sentence and in Criminal Case No. 56
of 1994 of the Senior Principal Magistrate's Court at Kiambu: F.N. Muchemi
(Mrs))**

CHARLES GATHENYA MUIRURI.....APPELLANT
Versus
REPUBLIC.....RESPONDENT

Coram: Osiemo J.
Appellant -unrepresented -present
Respondent -Mr. Gikonyo for the State
Mr. Onduma -Court Clerk

JUDGEMENT

The appellant was convicted with 2 offences under Sections 4 (2) of the Firearm Act Cap. 114 Laws of Kenya. He was sentenced to 4 years imprisonment for each count. Sentence to run concurrently. He appealed to this court against both conviction and sentence. But he abandoned the appeal against conviction and proceeded against sentence only. The appeal is purely on health grounds.

The appellants health has deteriorated due to epilepsy and hypertension. He produced medical records to support his claim. The learned state counsel does not oppose the appeal in view to the health conditions of the appellant and in view of the period has served. In order for an appellant to be released from prison on health grounds. The appeals ought to be accompanied with a recommendation from a doctor to the effect that his health has deteriorated to such a level that he cannot endure the prison conditions.

The sentences of 4 years for each count to run concurrently cannot be send to be excessive. The appeal against sentence is therefore dismissed.

Delivered and dated at Nairobi this 9th day of July, 1998

J.L.A. OSIEMO

JUDGE