

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NYERI
HIGH COURT CRIMINAL APPEAL NO. 204 OF 1996
(ORG. SPM NYI CR. C. 4251/94)

EDWARD KIMOTHO NDEGWA APPELLANT
VERSUS
REPUBLIC RESPONDENT

JUDGEMENT

The Appellant was charged and convicted with manslaughter C/S 202 as read with Section 205 of the Penal Code. He was sentenced to 10 years imprisonment. The appeal is against sentence only. The appellant was a first offender and in his mitigation he pleaded for leniency. He said he was married with 3 children and their mother has ran away from him after the incident. In the circumstances I consider the sentence to be on the higher side.

The appeal against sentence is allowed. The sentence of 10 years imprisonment is set aside and substituted with a sentence of 6 years imprisonment. To that extent this appeal is allowed otherwise the appeal is dismissed.

Delivered and dated at Nyeri this 29th day of October 1996.

J.L.A. OSIEMO
JUDGE