

REPUBLIC OF KENYA

IN THE COURT OF APPEAL
AT MOMBASA
(CORAM: OMOLO, AKIWUMI & LAKHA JJ.A
CRIMINAL APPEAL NO. 37 OF 1997

BETWEEN

OMAR HAMISI
MWAMWADZI.....APPLICANT
AND
REPUBLIC.....RESPONDENT

(Appeal from a Judgment or as the case may be of the High
Court of Kenya at Mombasa (Mr. Justice S.O. Oguk)
dated 4th October, 1994

in
H.C.CR.C. NO.22 OF 1994)

JUDGEMENT OF THE COURT

The appellant seeks a reduction of the sentence of 8 years passed on him after his conviction on the lesser charge of manslaughter in respect of which, in our view, the appellant was lucky that the prosecution had accepted his plea of guilty thereto. But a consideration of the facts show that even though the appellant may have had some trouble with the deceased, his attack on the deceased was well planned and deliberate. The appellant and those with him on that occasion, went to the office of the deceased in the morning and simply attacked him. The circumstances were all considered by the learned trial Judge who in our view, imposed a sentence which cannot be faulted. In these circumstances we are not inclined to reduce further the sentence imposed by the learned trial Judge.

In the result the appeal is hereby dismissed.

Dated and given this 14th day of July, 1997 at Mombasa

R. S. C. OMOLO

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JUDGE OF APPEAL

A. M. AKIWUMI

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JUDGE OF APPEAL

A.A. LAKHA

.....

JUDGE OF APPEAL

I certify that this is a true copy of the original.

DEPUTY REGISTRAR