



**IN THE COURT OF APPEAL**

**AT NAKURU**

**CORAM: KWACH, TUNOI & SHAH. J.J.A**

**CRIMINAL APPEAL NO. 4 OF 1996**

**BETWEEN**

- 1. SAUMU CHEPTANUI KIKWAI**
- 2. ANNAH CHEPKORIR LASOI.....APPELLANTS**

**AND**

**REPUBLIC.....RESPONDENT**

(Appeal from a conviction and sentence of the High Court of Kenya at Nakuru (Lady Justice S.C. Ondeyo) dated October, 1994.

**IN**

**H.C.CR.C. NO. 18 OF 1994)**

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**JUDGMENT OF THE COURT**

The appellants were jointly charged with murder; and at their trial, the prosecution accepted their pleas of guilty to manslaughter. The learned judge sentenced each of them to three (3) years imprisonment. They appeal against the sentences as being excessive.

At the commencement of this appeal, Mr. Rotich, counsel for the appellants, informed us that the appellants wished to withdraw the appeal but when we asked the appellants if those were their instructions they replied in the negative. We accordingly reject the application for withdrawal.

The appellants are single mothers with many children some of whom are tender years. They have been in remand and prison since January, 1994. The prosecution was selective in that the main perpetrators of the crime were not indicated and arraigned.

In the particular circumstances of this case, we are of the view, that the sentences do call for our interference. We reduce them to the period already served and order that the appellants shall be released forthwith unless otherwise lawfully held.

**Dated and delivered at Nakuru this 27<sup>th</sup> day of February, 1996.**

**R. O. KWACH**

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**JUDGE OF APPEAL**

**P. K. TUNOI**

.....

**JUDGE OF APPEAL**

**A.B. SHAH**

.....

**JUDGE OF APPEAL**

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