



REPUBLIC OF KENYA

Karume v Republic

High Court, at Mombasa

April 16, 1992

Omolo J

Criminal Appeal No. 97 of 1992

April 16, 1992, Omolo J delivered the following Judgment.

The appellant appears to appeal only against the sentence. He pleaded guilty to two charges under the Traffic Act, the first charge being causing death by dangerous driving contrary to Section 46 of the Act, and the second charge being driving under the influence of alcohol contrary to Section 44 of the Act. The particulars for both charges were not drawn up in strict conformity with the various sections, but the appellant admitted that he drove his vehicle in a dangerous manner and that as a result of that dangerous driving one Katan Ali was killed. The appellant also admitted that a jerrican of "Mnasi" or palm wine was found in his cabin and that when he was checked he was found to have been drunk when he caused the accident. The facts given were very sketchy, not specifying the manner of the dangerous driving or that the appellant was so drunk that he was incapable of controlling the vehicle but I think they were sufficient and the appellant understood what was alleged against him and was left in no doubt about the charges he was facing. He admitted the facts and although one wishes the facts had been more detailed, I think they were sufficient. As I have said the appellant does not really appeal against his conviction. If he appealed against the conviction then I dismiss such appeal.

The effective sentence of 3 years imprisonment seems to be too severe in the circumstances and I would reduce the sentence imposed on count 1 to one of 18 months imprisonment to run concurrently with the one year imposed on count 2. The disqualification for one year remains. To that extent the appeal against sentence succeeds.