

Omedo v Republic
REPUBLIC OF KENYA
Court of Appeal, at Kisumu June 11, 1990
Nyarangi, Gicheru & Kwach JJA
Criminal Appeal No 23 of 1990
On June 11, 1990, Nyarangi, Gicheru & Kwach JJA delivered the following Judgment.

This is an appeal against the sentence of six years imposed on the appellant by the High Court (Omolo J) on 26th June, 1989. The appellant pleaded guilty to the lesser charge of manslaughter.

The common facts disclose a sudden and wanton attack on the deceased with a knife as the deceased was walking home from a public meeting. At the meeting the deceased had alleged that the appellant was seducing his wife. It was suggested that the deceases should cause his wife to appear before the meeting. However, before that could be done, the appellant went ahead of the deceased and then launched the fatal attack when the deceased got close to the place where the appellant was hiding.

The conduct of the appellant was vicious and in our judgment the sentence appealed against could not be said to be manifestly excessive.

The sentence is lawful. The appeal is ordered to be dismissed.