

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MACHAKOS

CRIMINAL APPEAL NO 146 OF 1987

KUNGAAPPELLANT

V

REPUBLIC.....RESPONDENT

JUDGMENT

This is an appeal against sentence only. The appellant was convicted for causing grievous harm and sentenced to three years imprisonment. The offence carries the maximum punishment of life imprisonment.

The appellant offered no mitigation in the lower court below and admitted the facts in support of the charge to the effect that he was insulting customers in a hotel and a bit off the complainants ear when appellant was being escorted out. I agree with the trial magistrate's observations that the complainant is disfigured for life.

In the circumstances therefore I will not disturb the sentence and the appeal is dismissed.

July 6, 1987

TORGBOR

JUDGE