



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT MACHAKOS**

**CRIMINAL APPEAL NO 202 OF 1987**

**MUSAU .....APPELLANT**

**V**

**REPUBLIC.....RESPONDENT**

**JUDGMENT**

This is an appeal against sentence only. The attack on the victim was totally unprovoked as the complainant, a female, was assaulted by the appellant on her way from church. She lost one tooth and two became loose. The type of injury sustained by the complainant was described by the doctor as "harm".

Having heard the mitigation urged by the appellant's counsel and noting the sincerity with which his counsel urged reduction in sentence and bearing in mind all the circumstances as the case I am persuaded to alter the sentence of the court below which sentence is set aside and substituted by a period of imprisonment for 6 months and three strokes of the cane.

**Order accordingly.**

**July 7, 1987**

**TORGBOR**

**JUDGE**