

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MACHAKOS

CRIMINAL APPEAL NO 329 OF 1986

KILU.....APPELLANT

V

REPUBLIC.....RESPONDENT

JUDGMENT.

The appellant was convicted for assault occasioning actual bodily harm and sentenced to 24 months imprisonment, plus 6 strokes of the cane and to pay the complainant Kshs 5,000 compensation.

The appellant pleaded guilty to the charge and I am satisfied on the record that the plea was unequivocal and that the conviction was proper. Sentence however is severe and it is set aside and substituted by a term of imprisonment for six months plus six strokes of the cane. The order of compensation of Ksh 5,000 is also quashed as there is no evidence that the complainant incurred any medical expenses.

December 7 ,1987

TORGBOR

JUDGE