

IN THE COURT OF APPEAL

AT NAIROBI

(Coram: law, Miller and Potter, JJ.A)

CRIMINAL APPEAL NO 154 OF 1981

BETWEEN

CHEPKOCHEI ARAP KOPWEAPPELLANT

AND

REPUBLIC..... RESPONDENT

(Appeal from a sentence of the High Court of Kenya at Nakuru (Nyarangi, J) dated 18th April, 1978 in

High Court Criminal Case No.25 of 1978)

JUDGEMENT OF THE COURT

In appellant struck the deceased a single blow on the head with a panga causing death from a fractured skull. Apparently it happened at a drinking party, and the deceased may have offered some provocation by helping himself to the appellant's drink. The appellant was sentenced to 10 years imprisonment on conviction on his own plea of guilty to manslaughter. He is said to have 3 relevant previous convictions but particulars of these are not stated. We think the sentence of 10 years excessive for an unpremeditated killing at a drinking party. We set it aside, and substitute a sentence of 6 years imprisonment.

Delivered at Nairobi this 22nd day of March, 1982.

E.J.E. LAW

JUDGE OF APPEAL

C.H.E. MILLER

JUDGE OF APPEAL

K.D. POTTER

JUDGE OF APPEAL