



IN THE COURT OF APPEAL OF KENYA
AT NAKURU

Criminal Appeal 61 of 2006

PETER KIBET CHEPKWONY APPELLANT

AND

REPUBLICRESPONDENT

***(Appeal from a sentence of the High Court of Kenya
Nakuru (Mr. Justice L. Kimaru) dated 22nd February, 2003***

In

H.C.CR.C. NO. 124 OF 2003)

JUDGMENT OF THE COURT

The appellant, *Peter Kibet Chepkwony*, was convicted on his own plea of guilty of manslaughter by the High Court of Kenya at Nakuru, Kimaru, J. on 22nd February, 2006 and was sentenced to twelve (12) years imprisonment. This is his first and final appeal on sentence.

The appellant complains that the sentence imposed upon him is harsh and should be appropriately reduced because he was very drunk when he killed the deceased, his elder brother, and that in prison he has suffered multiple and frequent illnesses.

On the material day at about 6.30 p.m. the deceased was relaxing on a seat outside his house when the appellant arrived and demanded fare to travel to Narok for an undisclosed mission. The deceased was unable to produce any money and this apparently infuriated the appellant who rushed to pick an axe with which he hacked the deceased chopping off his head.

There was no reason whatsoever for the appellant to resort to the use of a lethal weapon. Moreover, the cause of the attack could not be visited upon the deceased since, in the first place, the money the appellant was demanding did not belong to him. The deceased appears to have lost a precious life due to a frivolous demand by the appellant.

The sentence was merited in the circumstances and there is no reason for us to interfere with it because it is neither harsh nor manifestly excessive.

This appeal is without merit and is hereby ordered dismissed.

Dated and delivered at Nakuru this 25th day of September, 2007.

P. K. TUNOI

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JUDGE OF APPEAL

E. M. GITHINJI

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JUDGE OF APPEAL

W. S. DEVERELL

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JUDGE OF APPEAL

I certify that this is a true copy of the original.

DEPUTY REGISTRAR