

IN THE COURT OF APPEAL OF KENYA

AT NAIROBI

Criminal Appeal 37 of 2006

PETER MAINA NDIRANGU.....APPELLANT

AND

REPUBLIC.....RESPONDENT

(Appeal from a sentence of the High Court of Kenya Nakuru (Muga Apondi, J) dated 19th October, 2005 In H.C.CR.C. NO 10. OF 2005

JUDGMENT OF THE COURT

The appellant killed his own son. He came home drunk and picked up a quarrel with his wife over food. The son intervened and according to the facts which the appellant admitted, he ran into his house and armed himself with a Somali sword. He stabbed the son on the stomach and the son started to run away. The appellant chased him and stabbed him again on the back. Taking all these factors into account, the learned trial Judge sentenced the appellant to ten years imprisonment following the conviction on the lesser charge of manslaughter which the appellant eventually admitted. Taking everything into account, we are far from being satisfied that in all the circumstances of the case, the sentence of ten years is so manifestly excessive and calls for the intervention of the Court. In our view the sentence was well merited. There is no merit in this appeal and we order that it be and is hereby dismissed.

Dated at Nakuru this 24th day of September 2007.

R. S. C. OMOLO

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JUDGE OF APPEAL

E. O. O’KUBASU

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JUDGE OF APPEAL

W. S. DEVERELL

.....

JUDGE OF APPEAL

I certify that this is a true copy of the original

DEPUTY REGISTRAR