



REPUBLIC OF KENYA
IN THE COURT OF APPEAL OF KENYA
AT NAKURU
Criminal Appeal 204 of 2004

Nkoro Ole Koin.....APPELLANTS

VERSUS

REPUBLIC.....RESPONDENT

Judgment.

BETWEEN

NKORO OLE KOINAPPELLANT

AND

REPUBLICRESPONDENT

*(Appeal from sentence of the High Court of Kenya at
Nakuru (Mr. Justice L. Kimaru) dated 11th August, 2004*

in

H.C.CR.C. NO. 55 OF 2004)

JUDGMENT OF THE COURT

The appellant was sentenced to five years imprisonment on a plea of guilty to the offence of manslaughter contrary to **section 205** of the Penal Code. He had speared the deceased in the mouth after a quarrel when the latter had attempted to castrate his ram as both of them were herding cattle and sheep together. The deceased died of cardiac arrest as a result of severe bleeding from the injury inflicted on him by the appellant. He now appeals to this Court against that sentence pleading that the same was harsh and manifestly excessive. He also states that he has now reformed and is remorseful.

From the circumstances of the case before the trial Court it would appear to us as Mr. Gumo for the respondent submits, the sentence imposed on the appellant was neither harsh nor manifestly excessive considering the weapon used against the deceased and the injury inflicted thereto resulting in his death. We think therefore that the sentence appealed from was neither harsh nor manifestly excessive. In the result we dismiss the appellant's appeal. It is so ordered.

Dated and delivered at Nakuru this 28th day of February, 2006.

J. E. GICHERU

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CHIEF JUSTICE

P. K. TUNOI

.....

JUDGE OF APPEAL

W. S. DEVERELL

.....

JUDGE OF APPEAL

I certify that this is a true

Copy of the original.

DEPUTY REGISTRAR