



IN THE COURT OF APPEAL OF KENYA

AT ELDORET

CRIMINAL APPEAL 47 OF 2005

JOSEPH LOPUROT MERIKOL..... APPELLANT

AND

REPUBLIC RESPONDENT

(Appeal from a sentence of the High Court of Kenya at Kitale (Lady Justice Wanjiru Karanja) dated 16th December, 2004

in

H.C.C.R.C. NO. 41 OF 2004)

JUDGMENT OF THE COURT

The appellant herein, ***Joseph Lopurot Merikol***, was originally charged with murder contrary to ***section 203*** as read with ***section 204*** of the Penal Code. The charge was reduced to manslaughter contrary to ***section 202*** of the Penal Code to which the appellant pleaded guilty. The learned Judge having considered all the circumstances of the case sentenced the appellant to ten (10) years imprisonment.

The appellant now comes before this Court appealing against sentence only.

The facts of the case as admitted by the appellant were that on 28th July, 2004 at Amisian village in West Pokot District the appellant picked a quarrel with his father over a cow the appellant alleged the father had sold. The quarrel ended tragically when the appellant stabbed his father who died instantly.

This is yet another case in which a son killed his own father. We have considered what the appellant has told us and the remarks of Mr. Omutelema urging us to dismiss this appeal.

The appellant was sentenced to ten (10) years imprisonment as a result of killing his own father. In our view, the sentence was appropriate in the circumstances of the case. This was a legal sentence which was neither harsh nor excessive. We find no reason to warrant our interfering with this sentence. Accordingly, this appeal against sentence is hereby dismissed.

Dated and delivered at Eldoret this 21st day of February, 2006.

P.K. TUNOI

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JUDGE OF APPEAL

E.O. O’KUBASU

.....

JUDGE OF APPEAL

J.W. ONYANGO OTIENO

.....

JUDGE OF APPEAL

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

DEPUTY REGISTRAR