



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NAKURU**

**Criminal Appeal 150 of 2004**

**LILIAN MUTHONI KAGARU.....APPELLANT**

**AND**

**REPUBLIC.....RESPONDENT**

*(Appeal from a sentence of the High Court of Kenya at Nakuru ( Mr justice Muga Apondi) dated 26<sup>th</sup> July, 2004*

**in**

**HCCRC NO. 165 of 2003**

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**JUDGMENT OF THE COURT**

The appellant whose age is put at between 23 and 25 years quarreled with her husband and in anger, she turned upon her own child and killed the child. She obviously looks to us a very young person and before being sentenced to five years imprisonment she had been in custody for over one year. We think that in her circumstances, the sentence of five years imprisonment was harsh and excessive. She has now served over two years and in our view, that is sufficient punishment. We accordingly reduce the sentence of five years imprisonment to such a term as will result in her immediate release from prison, i.e. the sentence is reduced to the term already served. She is to be released from prison forthwith unless she is held for some other lawful cause.

**Dated and delivered at Nakuru this 27<sup>th</sup> day of February, 2006.**

**R. S. C. OMOLO**

.....

**JUDGE OF APPEAL**

**E. O. O’KUBASU**

.....

**JUDGE OF APPEAL**

**E. M. GITHINJI**

.....

**JUDGE OF APPEAL**

I certify that this is a

**true copy of the original**

**DEPUTY REGISTRAR**