

REPUBLIC OF KENYA

IN THE COURT OF APPEAL

AT NAKURU

CRIMINAL APPEAL 74 OF 2004

SIMON MUNGAI WAWERU..... APPELLANT

AND

REPUBLIC RESPONDENT

JUDGMENT OF THE COURT

The appellant and the deceased fought over some woman. The appellant picked up a knife and stabbed the deceased to death. They must have taken liquor and that must be the reason why the original charge of murder brought against him was reduced to manslaughter. He admitted that charge and the learned trial Judge having taken into account the relevant circumstances, imposed on him a sentence of six years. He appeals to us against that sentence. We are satisfied that the sentence was not harsh and excessive. It is a lawful sentence and there is no basis upon which we can interfere with it. We dismiss the appeal against the sentence.

DATED and DELIVERED at NAKURU this 27th day of September, 2005.

R.S.C. OMOLO

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JUDGE OF APPEAL

E.M. GITHINJI

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JUDGE OF APPEAL

P.N. WAKI

.....

JUDGE OF APPEAL

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

DEPUTY REGISTRAR