

IN THE COURT OF APPEAL

AT NAKURU

CRIMINAL APPEAL NO .93 OF 2003

BETWEEN

FRANCIS MAINA MWANGI alias KAINI APPELLANT

AND

REPUBLIC RESPONDENT

JUDGMENT OF THE COURT

The appellant pleaded guilty to and was convicted of the offence of manslaughter contrary to section 205 of the Penal Code and upon his unequivocal plea and after taking into account all matters relevant to the issue of sentence, the learned Judge imposed on him a sentence of eight years. He now comes to this Court by way of this appeal which is basically a plea for mercy. The sentence imposed by the Judge was lawful and the issue of sentence is really a matter for the discretion of the sentencing court. We are unable to say that the sentence imposed is so harsh or so severe that we must interfere. Nor has it been shown that the learned Judge, in imposing the sentence took into account an irrelevant matter or failed to take into account a relevant matter.

There is no basis upon which we can interfere with the sentence and we order that this appeal be and is hereby dismissed.

Dated and delivered at Nakuru this 21st day of September, 2004.

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