



**IN THE COURT OF APPEAL**  
**AT NAIROBI**

**CORAM: TUNOI, LAKHA & O'KUBASU, J.J.A.**  
**CRIMINAL APPEAL NO. 35 OF 2000**

**BETWEEN**

**ROSEMARY NYAMBURA KARANJA ..... APPELLANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**JUDGMENT OF THE COURT**

The appellant was convicted of her own plea of guilty to manslaughter and sentenced to ten (10) years imprisonment. The deceased was her son and was aged about three years. The learned trial judge found that the appellant had been expelled out of her matrimonial home by her husband. Life with her parents became unbearable as her mother became abusive towards her and denied her any assistance. The appellant killed the deceased in desperation.

We think that if the learned trial judge had considered the background to the killing by the appellant, who is aged 23, he would not have imposed such a manifestly excessive sentence. He failed to take into account relevant facts whose omission misled him to award a sentence not justified in the particular circumstances of this case.

There is therefore a sufficient reason for us to interfere with the sentence which the appellant submits is excessive. We allow the appeal. We reduce the sentence to four (4) years imprisonment.

**Dated and delivered at Nairobi this 11th day of October, 2000.**

**P. K. TUNOI**

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**JUDGE OF APPEAL**

**A. A. LAKHA**

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**JUDGE OF APPEAL**

**E. O. O'KUBASU**

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**JUDGE OF APPEAL**

**I certify that this is**

**a true copy of the original.**

**DEPUTY REGISTRAR**