

IN THE COURT OF APPEAL
AT NAIROBI
(CORAM: GICHERU, AKIWUMI & SHAH, JJ.A.)
CRIMINAL APPEAL NO. 139 OF 2000

BETWEEN
BERRY ALUSHULA WANGAYA APPELLANT
AND
REPUBLIC RESPONDENT

**(Appeal from a sentence of the High Court of Kenya at Nairobi (Justice Mbogholi) dated 15th day
of July,
1998
in
H.C.CR.C NO. 46 OF 1998)**

JUDGMENT OF THE COURT

The present appeal against the sentence of 5 years imposed on the appellant for the offence of manslaughter which he pleaded to, must fail. The appellant severely attacked his pregnant wife and set her ablaze with fire. She must have died most painfully. The fact that the appellant might have been drunk at the time is no excuse at all. In our view, the learned Judge of the High Court, after taking into account all the mitigating factors urged on behalf of the appellant, rightly imposed the not unreasonable sentence of 5 years appealed against. In the result the appeal is dismissed

Dated and delivered at Nairobi this 9th day of November, 2000.

J. E. GICHERU

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JUDGE OF APPEAL

A. M. AKIWUMI

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JUDGE OF APPEAL

A. B. SHAH

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JUDGE OF APPEAL

I certify that this is

a true copy of the original.
DEPUTY REGISTRAR.