



IN THE HIGH COURT OF KENYA

AT KISUMU

CRIMINAL APPEAL NO. 245 OF 2003

**ABRAHAM OUMA ONDIEGE.....APPELLANT
VERSUS
REPUBLIC.....RESPONDENT**

JUDGMENT

In this case Abraham Ouma Ondiege the appellant was charged before SRM Court Siaya with assault causing actual bodily harm contrary to section 251 of the Penal Code . He denied the charge and accordingly he was tried at the end he was found guilty. Upon his conviction he was sentenced to 4 years imprisonment. He has lodged an appeal against his conviction and the sentence.

In his petition of appeal the appellant has raised the issue of identification – but that did not arise in this case as the incident took place at 3.30 p.m. during the day., The assault of the complainant was witnessed by Pw2 and Pw3 . PW6 confirmed the injuries sustained by Pw1 the complainant. The evidence against the appellant was overwhelming and the appeal is without merit. The same is dismissed.

Dated and delivered this 21st November 2003.

**B.K. Tanui
JUDGE**



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