



Case Number:	crim app 301 of 93
Date Delivered:	01 Nov 2002
Case Class:	Criminal
Court:	High Court at Nyeri
Case Action:	Judgment
Judge:	Johnson Kiptonui Mitey
Citation:	JAMES MUNGAI MWANGI vs REPUBLIC[2002] eKLR
Advocates:	-
Case Summary:	-
Court Division:	Criminal
History Magistrates:	-
County:	-
Docket Number:	-
History Docket Number:	-
Case Outcome:	-
History County:	-
Representation By Advocates:	-
Advocates For:	-
Advocates Against:	-
Sum Awarded:	-
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**REPUBLIC OF KENYA**

**IN THE HIGH COURT AT NYERI**

**CRIMINAL APPEAL 301 OF 93**

**JAMES MUNGAI MWANGI .....APPELLANT**

**VERSUS**

**REPUBLIC ..... RESPONDENT**

**JUDGMENT**

The appellant was charged in the Principal Magistrate's Court Kerugoya with the offence of manslaughter c/s 202 of the Penal Code. The particulars of the offence are that on the night of 22nd and 23rd March 1993 within Sagana Township he unlawfully killed PAULINE MUTHONI. The appellant pleaded guilty to the charge and accepted the facts as presented by the court prosecutor. He was then convicted and sentenced to serve 15 years imprisonment. This appeal is against sentence only. The appellant was convicted and sentenced on 11th August 1993. He has served slightly over 9 years of the sentence imposed. The learned Provincial State Counsel stated that the sentence imposed upon the appellant is excessive. I have considered that circumstances under which the offence was committed. The appellant is on record as a first offender. I allow the appeal against the sentence and reduce the sentence to the term already served. The appellant will be set at liberty forthwith unless he is otherwise lawfully held.

**Dated this 1st day of October 2002.**

**J.K. MITEY**

**JUDGE**



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