



Case Number:	Criminal Appeal 262 of 1987
Date Delivered:	14 Dec 1987
Case Class:	Criminal
Court:	High Court at Machakos
Case Action:	Judgment
Judge:	Edward Nii Adjar Torgbor
Citation:	Muia v Republic[1987] 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 OF KENYA

AT MACHAKOS

CRIMINAL APPEAL NO 262 OF 1987

MUIA.....APPELLANT

V

REPUBLIC.....RESPONDENT

JUDGMENT.

The appellant was convicted for assault occasioning actual bodily harm and sentenced to imprisonment for 6 months and 2 strokes of the cane.

The complainant and appellant appeared to have reconciled prior to the trial but his fact may not have been disclosed to the trial magistrate for purposes of dealing with the case under section 176 and 294 of the Criminal Procedure code.

As the appellant pleaded guilty his conviction is upheld. As he had reconciled with the complainant prior to the trial that fact should mitigate the sentence of the trial court, which sentence is therefore set aside. The appellant is discharged on condition that he commits no offence during the period of 12 months from to day.

Order accordingly.

December 14,1987

TORGBOR

JUDGE



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