



REPUBLIC OF KENYA



KENYA LAW
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**Musyoki v Republic (Criminal Appeal E134 of 2022)
[2024] KEHC 17195 (KLR) (31 July 2024) (Judgment)**

Neutral citation: [2024] KEHC 17195 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MAKUENI
CRIMINAL APPEAL E134 OF 2022**

TM MATHEKA, J

JULY 31, 2024

BETWEEN

BISMARCK MUSYOKI APPELLANT

AND

THE REPUBLIC RESPONDENT

JUDGMENT

1. Bismark Musyoki Kamana was charged with defilement contrary to section 8(1) as read with 8(3) of the *Sexual Offences Act* No. 3 of 2006. He was also charged in the alternative with indecent Act with a child contrary to section 11(1) of the same Act.
2. The particulars are that on 8/8/2021 at [Particulars Withheld] Sub Location in Nzau Sub County within Makueni County he intentionally and unlawfully caused his male genital organ namely penis to penetrate into the female genital organ namely vagina of NLK a child aged 13 years or touched her vagina with his penis.
3. He denied the offence and upon a full trial, was found guilty convicted and sentenced to imprisonment on 25/11/2022.
He filed his appeal on the grounds that the:
The prosecution's case was full of contradictions and inconsistent; which the court did not scrutinize the evidence to warrant the conviction and sentence.
4. Having considered the record, I find that the appeal has no merit and summarily dismiss it. Orders accordingly.

DATED, SIGNED AND DELIVERED IN OPEN COURT THIS 31ST JULY 2024

JUDGE



SIGNED BY: LADY JUSTICE MATHEKA, TERESIA MUMBUA
THE JUDICIARY OF KENYA.
MAKUENI HIGH COURT
HIGH COURT DIV
DATE: 2024-08-01 14:25:08

