Cheruiyot v Republic (Criminal Appeal E031 of 2021)
[2024] KEHC 9365 (KLR) (25 July 2024) (Judgment)

Neutral citation: [2024] KEHC 9365 (KLR)

REPUBLIC OF KENYA

IN THE HIGH COURT AT NAKURU

CRIMINAL APPEAL E031 OF 2021

HM NYAGA, J

JULY 25, 2024

BETWEEN

COLLINS KIPKOECH CHERUIYOT ..... APPELLANT

AND

REPUBLIC ..... RESPONDENT

(Being an Appeal from the conviction and sentence of Hon. E. Soita (S.R.M) in Molo CMCR No. SO E011of 2020 on 19th October, 2021)

JUDGMENT

1. The Appellant Collins Kipkoech was charged with Defilement contrary to Section 8(1) (3) of the *Sexual Offences Act*. The particulars were that on 6th October, 2020 in Kuresoi South Sub County within Nakuru County he intentionally caused his penis to penetrate the Vagina of MC a child aged 14 years.

2. He had also been charged with an alternative charge of committing an indecent act with a child contrary to Section 11(1) of the *Sexual Offences Act*. The particulars being that on 6th October, 2020 in Kuresoi South Sub-County within Nakuru County he intentionally touched the Vagina of MC a child aged 14 years with his penis.

3. The Appellant pleaded not guilty to the charges and the prosecution called a total of four witnesses, whose evidence is encapsulated as follows.

4. On 19th October, 2020, the trial court found the prosecution had proved all elements of the charge beyond reasonable doubt, convicted the accused and sentenced the Appellant to twenty (20) years imprisonment.

5. Being dissatisfied with the trial court's judgement he preferred the instant appeal. In his Amended Grounds of Appeal, he raised the following grounds: -

a. That the Learned Trial Magistrate erred in Law and fact by failing to appreciate that the investigations officer (PW4) evidence was marred with contradiction by not proving beyond reasonable doubt e.g. by not visiting the scene of crime.

b. That the Learned Trial Magistrate erred in Law and fact by pronouncing an excessive sentence far from the weight of the evidence adduced.

c. That the defence of the Appellant was not considered as required by the Law.

6. The Appeal was canvassed through written submissions.

Appellant's Submissions

7. The Appellant submitted that material contradictions raises doubt about the credibility or reliability of the evidence or the witness providing it. He further submitted that PW1's testimony in regards to what transpired was contradicted by PW2 who stated that Geoffrey Towett informed him that he had been locked in the house so that he could not escape. He posited that the evidence of PW2 was hearsay.

8. The Appellant also submitted that one Kipngeno, whom PW1 stated that he went to call her but couldn't speak as her mouth was covered, was a key witness and that the prosecution's failure to avail him before court prejudiced the prosecution case case.

9. He posited that PW1's testimony that he was taken to the hospital was contradictory as there was no evidence to back up the same. He stated that the complainant's evidence in regards to the alleged scene of crime and whether there was an eye witness was contradictory.

10. In buttressing his submissions, the Appellant relied on the cases of David Ojeabu vs Federal Republic of Nigeria (2014) PERL 22555; Augustine Njoroge vs Republic Criminal Appeal Number 185 of 1982 & Chilla vs Republic (1967) E.A 722.

11. The Appellant argued that he was not subjected to any medical examination and therefore the medical evidence adduced did not connect him to the offence herein. In support of his position, he placed reliance on the cases of Musikiri vs Republic [1987] KLR 69.

12. On the issue of sentence, the Appellant submitted that the trial court erred when it held that it was tied up with the provision of Section 8(3) of the *Sexual Offences Act* which provides for a mandatory sentence of 20 years' imprisonment.

13. He argued that the courts have the requisite discretion to consider the aggravating and mitigating factors before imposing appropriate sentences based on peculiar circumstances of each case. To this effect, he placed reliance on the cases of Francis Karioko Muruatetu & another vs Republic [2017] eKLR; Fappyton Mutuku Ngui vs Republic [2019] eKLR; Dismas Wafula Kilwake vs Republic [2018] eKLR; & Samuel Achieng Alego vs Republic [2018] eKLR.

14. The Appellant urged this court to exercise discretion and reduce the sentence imposed against him by the Trial court.

Respondent's Submissions

15. The Respondent submitted that penetration was proved through the evidence of PW1, PW3 and PW4.

16. Regarding the age of the minor, the Respondent submitted that the evidence of the complainant that she was born on 21st February,2006 was corroborated by PW2 and PW4 who produced her birth certificate. The respondent thus posited that the complainant's age was conclusively proved.

17. With Respect to the identity of the accused, the Respondent submitted that the appellant was someone well known to the victim as he had been staying at her grandmother's place taking care of cows and cultivating tea.

18. With regard to the defence adduced, the respondent submitted that the Appellant's defence was mere denial and not strong enough to rebut the prosecution's case and thus the trial magistrate was right in disregarding the same.

19. Regarding the Appellant's contention that the trial court erred by relying on the evidence of a single witness, the respondent cited the provisions of Section 124 of the *Evidence Act* and submitted that the trial magistrate was convinced that the complainant was telling the truth and satisfied with the corroborative evidence tendered by the prosecution.

20. The respondent thus submitted that the prosecution proved its case to the required threshold and if there were any inconsistencies, the same were minor and did not go to the roof of the case. The respondent urged the court to uphold the conviction.

21. In respect to sentence, the respondent submitted that the Appellant abused the trust bestowed upon him by the society by taking advantage of a young girl who was fourteen years old at the time of the incident.

22. It was submitted that the Appellant being a neighbour and a shamba boy to the complainant's grandmother ought to have protected her. The respondent thus posited that the sentence meted against the Appellant was deterrent and urged this court not to interfere with it.

Analysis & Determination

23. As a first appellate court, this court is obligated to revisit and re-evaluate the evidence afresh, assess the same and make its own conclusions bearing in mind that the trial court had the advantage of hearing and observing the demeanor of the witnesses. See Okeno vs Republic [1972] E.A 32.

24. I have considered the grounds of appeal, evidence adduced in the lower court and the respective parties' submissions. I find the following issues arise for determination.

    a. Whether the prosecution proved their case beyond reasonable doubt; and

    b. Whether the sentence was manifestly harsh and excessive.

25. This being a case for defilement, the prosecution was duty bound to prove its ingredients. In the case of George Opondo Olunga vs Republic [2016] eKLR, it was established that the ingredients of an offence of defilement are; the age of the victim, penetration and identification or recognition of the offender.

26. PW1 was the Complainant. She testified that on 6th October, 2020 at 5.30 p.m. she was at her grandmother's house. She went outside to clean her legs and the Appellant came and pushed her. She said the appellant touched her hand, blocked her mouth, pushed her to a house and locked it. It was her testimony that the Appellant placed her on bed, removed her skirt and panty then started doing bad manner to her. She said the Appellant inserted his penis to her Vagina. She screamed but it was not loud enough since the Appellant had covered her mouth with his hands. She said her cousin one Kipngeno came and called her to go and eat but she could not speak. Later Kipngeno came again and opened the door and found her in the Appellant's bed. She said he went to inform her grandmother and the

Appellant pushed her outside. She went to her grandmother's house and told her what had transpired. She said her father upon being equally apprised of the incident took her to Kiptagich Police Station to report the same. She said police interrogated the Appellant and he confirmed that he had defiled her. She stated that she was placed in the police cells with the Appellant and the following day she was taken to Kiptagich Health Centre where she was examined. She said she had known the Appellant for some time as he was taking care of his grandmother's cows and cultivating tea. She stated that she was born on 21.02.2006 and positively identified the Appellant before court.

27. PW2 was JKM the Complainant's father. He testified that Geoffrey Towett informed him about the incident herein and that the Appellant asked for forgiveness. He said they looked for the Appellant's clothes and they found sperms. He stated that they looked for PW1 who told them what had transpired. He said the victim was born on 21.02.2006 and that he had known the Appellant for 3 years as he was working at his in-law's home.

28. PW3 was Sang Maiyo a Clinical Officer from Kiptagich Dispensary. He said the victim was taken to their facility with a history of defilement. That upon being physically examined, it was established that she had bruises on her thorax, swelling on the back and lacerations measuring 2 cm on her lower limbs. He stated that the injuries were around 24 hours old and weapon used was a blunt object. He stated that the Victim's genitalia examination showed that there were injuries on the labia minora and majora measuring 3 cm. There was presence of whitish discharge on the labia minora. He said specimen was taken and upon examination, spermatozoa and pus cells were seen. He said Epithelia cells seen meant that there was infection and spermatozoa seen showed that there was unprotected sex. He produced the P3 form and the Victim's treatment notes as Exhibits 1 and 2 respectively.

29. On cross examination, he testified that the victim's hymen was torn long time ago and clarified that some children are born with broken hymen. He stated that no sperm test was conducted on the Appellant to confirm he defiled the complainant.

30. PW4 was PC Catherine Mwangangi from Kiptagich Police Station. She said on 6th October 2020 at around 9. 00p.m she was called by the OCS in regards to the incident herein. She went to the police station where she met the victim, the Appellant, the Victim's father and uncle. She booked both the victim and the Appellant then took them to Kiptagich Health center where the P3 Form was filled. She stated that the victim reported that the Appellant was a shamba boy and he had pushed her by force into his house, removed her skirt and had forceful sex with her. She produced the Victim's Birth Certificate as Exhibit No. 1.

31. On cross examination, she stated that she visited the scene of the crime. She interrogated the victim who said the Appellant defiled her. She did not know the relationship between the Appellant and the Victim's Uncle and the issue of salary payment by the Victim's grandmother.

32. At the close of the prosecution case the trial court found that the accused had a case to answer and he proceeded to give sworn evidence.

33. In his defence, the Appellant testified that he used to work and reside at Geoffery Towett's place. He was being paid Kshs. 21,000/= and Kshs.1000/= went to savings. He said he worked for him until 2020 January then told him that there was a land being sold at Kuresoi for Kshs. 200,000/= and the owner needed a deposit of Kshs. 100,000/=. He said he reminded him of his savings and also asked for his January salary. It was his testimony that the victim and her grandmother witnessed him being paid and he was surprised he was he was taken to court. He said he knew the victim's father and declined committing the offence.

34. In this case, the age of the minor and the issue of identification have not been challenged in this appeal. The complainant's evidence was that she born on 21st February, 2006. PW2 corroborated this position. The birth certificate produced in evidence is not on the court record. However, considering this issue is not challenged and based on the above evidence, there is really no dispute that the victim was 14 years old at the time of the incident.

35. In regard to identification, the minor stated that the Appellant used to work for her grandmother. PW2 confirmed he had known the Appellant for 3 years. The Appellant neither controverted this position nor denied knowing the Victim. Therefore, the identification of the Appellant was proved to the required standard.

36. The next element is proving of penetration. 'Penetration' is a term of art and is defined under section 2 of the Act to mean' 'the partial or complete insertion of the genital organs of a person into the genital organs of another person'.

37. The evidence ordinarily relied by the trial court in order to prove penetration was the complainant's own testimony. The Victim was categorical in her evidence that the Appellant defiled her. The trial court found her evidence to be credible and having looked at the same, I come to the same conclusion.

38. The complainant's evidence was corroborated by the medical report presented by the clinical officer. He produced the P3 Form and testified that upon examination of the minor injuries on her labia minora and majora measuring 3cm were noted and that lower vagina swap examination revealed the presence of spermatozoa. It is my considered view therefore that penetration was proved beyond reasonable doubt.

39. Was the Appellant the perpetrator? I have considered circumstances of this case as shown by the court record. PW1 was categorical in her evidence that the Appellant pushed her into his house, locked the door, removed her skirt and panty then inserted his penis into her vagina. She repeated this statement before PW2 & PW4 when she was questioned about the incident herein.

40. There is no dispute that under Section 124 of the *evidence Act*, a court can convict based on the evidence of the victim alone in sexual offences. In this regard am guided by the case of Stephen Nguli Mulili vs Republic [2014] eKLR the court of Appeal held;

> " with regard to the issues of corroboration and the appellant being proved as the one who defiled the complainant, section 124 of the Act is clear that the court may convict on the evidence of the alleged victim alone provided that the court is satisfied that the alleged victim was truthful. From the record it appears that the trial court was satisfied that the victim told the truth."

41. In the instant case, the victim was consistent in her testimony. She narrated what transpired to both PW2 and PW4 without contradicting herself. There was no evidence of bad blood between her family and the Appellant. The minor's evidence therefore in this regard was watertight and there is no plausible ground to doubt her.

42. The Appellant defence in this regard consisted of mere denials, it was uncorroborated and as rightly pointed out by the Respondent did not rebut the prosecution's case. The evidence by the prosecution leaves no doubt that the appellant defiled the complainant.

43. I have considered the Appellant's submissions on the alleged contradictions in the evidence against him. There were no contradictions whatsoever in the prosecution case. The Victim was consistent in her testimony and PW2 did not contradict her testimony.

44. The Appellant also faulted the Prosecution for not availing one Kipngeno who PW1 alleged called her but she couldn't respond as her mouth was covered as a witness in this matter. Although it would have been desirable that the said witness be called, I hold the view that failure to call him was not fatal to the prosecution's case. The witnesses availed were sufficient and they were able to prove beyond reasonable doubt the offence in issue.

45. Additionally, the prosecution is not obliged to call a superfluity of witnesses but only such witnesses that are sufficient to establish the charge beyond reasonable doubt (See the case of Keter vs Republic [2017] EA 135.)

46. The Appellant's further line of attack was that the PW3's evidence did not establish his guilt. According to the Appellant he was not examined and as such there was no evidence that could link him to the offence herein. Medical examination of perpetrator is not a mandatory requirement to prove defilement. I'm guided by the case of Mark Oiruri Mose vs R (2013) eKLR the Court of Appeal stated thus:

> " Many times the attacker does not fully complete the sexual act during commission of the offence. That is the main reason why the law does not require that evidence of spermatozoa be availed. So long as there is penetration whether only on the surface, the ingredient of the offence is demonstrated, and penetration need not be deep inside the girl's organ"

47. In *Muhendu vs Republic (Criminal Appeal 60 of 2018)* [2024] KECA 322 (KLR) (22 March 2024) (Judgment) the Court of Appeal held that: -

> " Medical examination of a perpetrator is not a requirement to prove defilement, and is only
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> necessary depending on the circumstances of a particular case, say, when for instance, upon the medical examination of the victim it is established that she was infected with a sexually transmitted disease. Such medical examination of the perpetrator may either prove or disprove whether the perpetrator infected the victim with the disease...."

48. In sum, I find that the prosecution proved beyond reasonable doubt that the appellant penetrated PW3, a child aged 14years. Therefore, the Appeal on conviction lacks merit and is hereby dismissed. The conviction is upheld.

49. On the issue of sentence, it is imperative to note that sentencing is exercise of discretion by the trial court which should never be interfered with unless the trial court acted upon wrong principles or overlooked some material factors or took into account irrelevant factors or short of this, the sentence is illegal or is so inordinately excessive or patently lenient as to be an error of principle (See Shadrack Kipkoech Kogo vs R., and Wilson Waitegei vs Republic [2021] eKLR).

50. The appellant was sentenced to 20 years imprisonment as provided under the Section 8(3) of the *Sexual Offences Act*. This section provides: -

> " A person who commits an offence of defilement with child between the age of twelve and fifteen years is liable upon conviction to imprisonment for a term of not less than twenty years."

51. The Appellant was a first time offender. In mitigation he stated:-

> " I seek court to release me. I am going to seek to continue with my life. I seek court to consider the days I have been in custody"

52. When the Victim's father views were sought prior sentencing he stated: -

> " I have nothing to state but I seek court to pass sentence as per the law, on issue of age, he may be a very dangerous person. He should be punished."

53. The Prosecutor on her part prayed for a custodial sentence to be imposed against the Appellant.

54. The trial court in sentencing the Appellant stated as follows: -

> " Accused person is found guilty as charged. Mitigation is highly considered and sentiments of victim's father and prosecutor. Accused is hereby sentenced to 20 years in jail from 8.10.2020."

55. It is clear from the above that the trial court considered the Appellant's mitigation but sentenced him as prescribed by the law.

56. There has been a lot of recent litigation over the so called mandatory sentences and those that provide for a minimum sentence.

57. The issue of mandatory sentences was addressed in Francis Karioko Muruatetu & others vs Republic (supra) (Muruatetu 1) where the Supreme Court held that the mandatory death sentence prescribed for the offence of Murder by section 204 of the Penal Code was unconstitutional. The Court took the view that:

> " Section 204 of the Penal Code deprives the Court of the use of judicial discretion in a matter of life and death. Such law can only be regarded as harsh, unjust and unfair. The mandatory nature deprives that the Courts of their legitimate jurisdiction to exercise discretion not to impose the death sentence in an appropriate case. Where a Court listens to mitigating circumstances but has, nevertheless, to impose a set sentence, the sentence imposed fails to conform to the tenets of fair trial that accrue to the accused persons under the Article 25 of *the Constitution*; an absolute right."

58. Subsequent to the above decision, a lot of emerging jurisprudence has come to the fore on the question of these so called mandatory sentences in other offences other than murder.

59. For instance, in Jared Koita Injiri vs Republic [2019] eKLR the appellant was sentenced to life imprisonment on the basis of the mandatory sentence stipulated by section 8 (1) (2) of the *Sexual Offences Act*. The Court of Appeal opined that;

> " if the reasoning in the Supreme Court case was applied to this provision, it too should be considered unconstitutional on the same basis."

The court further stated:

> " The appellant was provided an opportunity to mitigate in the trial court where it was stated that he was a first offender. He pleaded for leniency. However, it cannot be overlooked that the appellant committed a heinous crime, and occasioned severe trauma and suffering to a

young girl. His actions have demonstrated that around him, young and vulnerable children, like the complainant could be in jeopardy.

Needless to say, pursuant to the Supreme Court decision in Francis Karioko Muruatetu & Another vs Republic (supra), we would set aside the sentence for life imposed and substitute it therefore with a sentence of 30 years from the date of sentence by the trial court."

60. The Court of Appeal in Dismas Wafula Kilwake vs R (supra), held that the mandatory minimum sentence under Section 8 of the *Sexual Offences Act* is unconstitutional as it denies the court discretion in sentencing.

61. Odunga J (as he then was), in Philip Mueke *Maingi & 5 others v Director of Public Prosecutions & another (Petition E017 of 2021*) [2022] KEHC 13118 (KLR) held as follows;

> " Taking cue from the decision in Francis Karioko Muruatetu directed that those who were convicted of sexual offences and whose sentences were passed on the basis that the trial Courts had no discretion but to impose the said mandatory minimum sentence are at liberty to petition the High Court for orders of resentencing in appropriate cases."

62. In the case of Fappyton Mutuku Ngui vs Republic [2019] eKLR the court directed the trial court to rehear the Applicant's sentence on grounds that following the decision in the Muruatetu case several decisions have been made by various courts wherein minimum sentences imposed have been tampered with as a result.

63. The court in Hashon Bundi Gitonga vs Republic [2020] eKLR held that minimum sentence portends real possibility of a harsher or excessive sentence being imposed on an individual who would after mitigation be entitled to a lesser sentence. That therein lays prejudice.

64. In Samuel Achieng Alego vs Republic [2018] eKLR the court stated as follows;

> " It is therefore clear that section 8(2) on the face of it prescribes a mandatory sentence as opposed to a maximum one In my view under the current constitutional dispensation, mandatory minimum sentences ought to be looked at in light of Article 27 of *the Constitution* as read with clause 7 of the Transitional and Consequential Provisions which provide as follows: All law in force immediately before the effective date continues in force and shall be construed with the alterations, adaptations, qualifications and exceptions necessary to bring it into conformity with this Constitution.
>
> Such sentences, in my view, do not permit the Court to consider the peculiar circumstances of the case in order to arrive at an appropriate sentence informed by those circumstances as the Court is deprived of the discretion to consider whether a lesser punishment would be more appropriate in the circumstances. In those circumstances, it is my view that such provisions do not meet the constitutional dictates..."

65. From the foregoing, it is indeed correct to state that by prescribing mandatory sentences, the *Sexual Offences Act* takes away a court's discretion to impose a sentence it considers appropriate in any given circumstances.

66. However, the Supreme Court recently in the Petition No. E018 of 2023 Republic vs Joshua Gichuki Mwangi (Respondent) & Initiative for strategic litigation in Africa & 3 others (Amicus curia) applied

the brakes on the application of Muruatetu in mandatory minimum sentences for offences other than murder. It held as follows: -

> "(51) In light of the structural and supervisory interdicts issued, the Court issued the Muruatetu Directions, wherein it, inter alia, pronounced itself on the application of its decision in the Muruatetu Case to other statutes prescribing mandatory or minimum sentences as follows: "
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> 10. It has been argued in justifying this state of affairs, that, by paragraph 48 of the Judgment in this matter, or indeed the spirit of the Judgment as a whole, the court has outlawed all mandatory and minimum sentence provisions; and that although Muruatetu specifically dealt with the mandatory death sentence in respect of murder, the decision's expansive reasoning can be applied to other offenses that prescribe mandatory or minimum sentences. Far from it. In that paragraph, we stated categorically that:
>
> > "[48] Section 204 of the Penal Code deprives the court of the use of judicial discretion in a matter of life and death. Such law can only be SC Petition No. E018 of 2023 26 regarded as harsh, unjust and unfair. The mandatory nature deprives the courts of their legitimate jurisdiction to exercise discretion not to impose the death sentence in appropriate cases. Where a court listens to mitigating circumstances but has, nonetheless, to impose a set sentence, the sentence imposed fails to conform to the tenets of fair trial that accrue to accused persons under article 25 of *the Constitution*; an absolute right".
> >
> > Reading this paragraph and the Judgment as a whole, at no point is reference made to any provision of any other statute. The reference throughout the Judgment is only made to section 204 of the Penal Code and it is the mandatory nature of death sentence under that section that was said to deprive the "courts of their legitimate jurisdiction to exercise discretion not to impose the death sentence in appropriate cases
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> 11. The ratio decidendi in the decision was summarized as follows:
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> > "69. Consequently, we find that section 204 of the Penal Code is inconsistent with *the Constitution* and invalid to the extent that it provides for the mandatory death sentence for murder. For the avoidance of doubt, this decision does not outlaw the death penalty, which is still applicable as a discretionary maximum punishment".
> >
> > We therefore reiterate that, this court's decision in Muruatetu, did not invalidate mandatory sentences or minimum sentences in the Penal Code, the *Sexual Offences Act* or any other statute."
> > .....
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> 14. It should be apparent from the foregoing that Muruatetu cannot be the authority for stating that all provisions of the law prescribing mandatory or minimum sentences are inconsistent with *the Constitution*. It bears restating

that it was a decision involving the two petitioners who approached the court for specific reliefs. The ultimate determination was confined to the issues presented by the petitioners, and as framed by the court.

15. To clear the confusion that exists with regard to the mandatory death sentence in offences other than murder, we direct in respect of other capital offences such as treason under section 40 (3), robbery with violence under section 296 (2), and attempted robbery with violence under section 297 (2) of the Penal Code, that a challenge on the constitutional validity of the mandatory death penalty in such cases should be properly filed, presented, and fully argued before the High Court and escalated to the Court of Appeal, if necessary, at which a similar outcome as that in this case may be reached. Muruatetu as it now stands cannot directly be applicable to those cases." [Emphasis ours]..."

67. In light of the above decision, it is clear that Muruatetu's is no longer applicable to the offence herein.

68. Even if the court was to be found to have jurisdiction, I don't think that this appeal would have succeeded. I will give my reasons.

69. In the trial, the learned magistrate appears to have considered the circumstances of the offence and found no good grounds to mete out a sentence lower than the one prescribed by the law.

70. I have looked at the circumstances of the case and the comparative sentences meted by the superior courts for similar cases. While the earlier trend had been to reserve the minimum sentences for the most aggravating cases. It did not mean that the court ought to treat defilement cases lightly. The court retains a duty to punish an offender for his actions. The court can, if it finds appropriate, mete out a sentence equivalent to the minimum sentence.

71. The appellant herein knew the complainant very well as he worked for her family. He was thus well aware that she was a child, yet he took advantage of her. He ought to have known the consequences of his cations towards the victim were wrong. This is not a case a romantic relationship or the appellant having reason to believe that that the victim was of age. To make matters worse, the accused used brute force or violence on the victim, going by the other injuries found on her body.

72. Having considered the circumstances of the case even if this court has jurisdiction. I am not inclined to interfere with the sentence meted by the lower court. The court can only do so if it feels that the sentence was harsh or excessive. I do not think it was.

73. Therefore, the appeal on sentence also fails.

74. In conclusion I find that the appeal lacks in merit and it is dismissed. The accused shall continue to serve his sentence to be deemed to have commenced on 8th October 2020.

75. It is so ordered.

DATED, SIGNED AND DELIVERED AT NAKURU THIS 25TH DAY OF JULY, 2024.

H. M. NYAGA,

JUDGE.

In the presence of;

Court Assistant Jeniffer/Miruya

State counsel Nancy

Accused present