



REPUBLIC OF KENYA



**KENYA LAW**  
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**Paul v Republic (Criminal Appeal E007 of 2021)  
[2023] KEHC 2774 (KLR) (29 March 2023) (Ruling)**

Neutral citation: [2023] KEHC 2774 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KABARNET  
CRIMINAL APPEAL E007 OF 2021  
RB NGETICH, J  
MARCH 29, 2023**

**BETWEEN**

**KROP LORITAI PAUL ..... APPELLANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The accused was charged with offence of Rape contrary to section 3(1) (a) (b) of the *Sexual Offences Act* No 3 of 2006 particulars are that on the March 4, 2020 at about 2000 Hrs in East Pokot Sub-County within Baringo County, he intentionally and unlawfully caused his penis to penetrate the vagina of PP without her consent in contravention of the said Act. He pleaded not guilty to the charge.
2. The matter proceeded for hearing and upon conviction, he was sentenced to 5 years imprisonment on March 30, 2021.
3. He filed this appeal and while appearing before Justice Matheka on November 25, 2022, he applied for the period he served in remand be computed in sentence. Justice Matheka allowed the application to have period in remand computed in sentence.
4. On March 16, 2023 when appellant appeared before me, he applied to be allowed to serve on Probation the remaining sentence of 5 months. I called for Probation Report.
5. Probation Report was filed on March 29, 2023. From the report, the appellant's family are ready to accept him back.
6. The Local Administration indicated that there is no animosity on the ground and the appellant's family are ready to participate in his integration.



7. I have considered the sentiments by Local Administration and family of the appellant. I also note from the Probation Officer's report that the appellant has positive attitude towards sentence and is willing to be rehabilitated within the community.
8. I am of the view that probation sentence would be appropriate to the appellant for the remaining 5 months of sentence.
9. Final Orders:
  - a. I hereby allow revision of appellant's sentence.
  - b. Appellant to serve the remaining period of sentence under probation.

**RULING DELIVERED, DATED AND SIGNED AT KABARNET THIS 29<sup>TH</sup> DAY OF MARCH 2023**

.....

**RACHEL NGETICH**

**JUDGE**

**In the presence of:**

Mr. Kemboi: Court Assistant

Ms Ratemo: Counsel for State

Accused: Present in person.

