



REPUBLIC OF KENYA



KENYA LAW
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**Kiplangat v Republic (Criminal Appeal 43 of 2019)
[2023] KEHC 20785 (KLR) (27 July 2023) (Sentence)**

Neutral citation: [2023] KEHC 20785 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
CRIMINAL APPEAL 43 OF 2019
TM MATHEKA, J
JULY 27, 2023**

BETWEEN

EDWIN AMDANY KIPLANGAT APPELLANT

AND

REPUBLIC RESPONDENT

SENTENCE

1. The appellant was charged, tried and found guilty of the offence of Defilement Contrary to Section 8(1) as read with Section 8(4) of the [Sexual Offences Act](#).
2. He was sentenced to the mandatory twenty (20) years sentence imprisonment.
3. On appeal, the conviction was upheld, and the court was of the view, due to the circumstances of the offence and the proximity of age between the complainant and the appellant, the sentence was harsh and excessive.
4. The court sought a Probation Officer's Report from the Probation and After Care Services which report was filed on May 3, 2023 and forwarded to me via email. I requested for a copy of the same to enable me write the sentence ruling.
5. I have carefully considered the Probation Officer's Report, it speaks positively of the accused person, he admits the offence, he and the victim were teenagers in what both believed to be a consensual sexual relationship, whereby the girl went to his home and did not return to her home leading to this prosecution.
6. He has been in custody since 2017.
7. He is not a danger to himself or other persons, especially young girls. He is welcome back to the community and his family and the family of the victim have no issues with him.



8. Youthful offenders even in sexual related offences where the facts demonstrate that no violence, force, deception was used, and the age difference is not too wide to amount to undue influence or pressure, or use of power over the victim, both the victim and the perpetrator ought to be considered for correction, guidance and counseling.
9. This is one of those cases where the accused has already spent time in prison custody. In my view the recommended probation supervision order is suitable for him.
10. The appellant will be placed on probation supervision for 3 (three) years.
11. Orders accordingly

DATED, SIGNED AND DELIVERED VIRTUALLY 27TH JULY 2023

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MUMBUA T. MATHEKA

JUDGE

In the presence of;

C/A Daisy

For state Ms. Murunga

Appellant present virtually at Naivasha GK Prison

