



**Taifa v Republic (Criminal Appeal E018 of 2022)
[2022] KEHC 14402 (KLR) (24 October 2022) (Resentence)**

Neutral citation: [2022] KEHC 14402 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CRIMINAL APPEAL E018 OF 2022
RE ABURILI, J
OCTOBER 24, 2022**

BETWEEN

EMMANUEL KIMANI TAIFA APPELLANT

AND

REPUBLIC RESPONDENT

*(An Appeal against the Judgment, conviction and sentence by the
Hon. J.O. Ong'ondo delivered on the 14.10.2021 in the Senior Resident
Magistrate's court at Siaya in Sexual Offence Case No. E014 of 2020)*

RESENTENCE

1. I have considered the mitigation by the appellant who is aged 23 years old. He claims to have ignorantly committed the offence by befriending the minor. He regrets the offence and pleads for leniency. He submits that is married with one child and he is the sole breadwinner to his family. He went to school up to Form 2 and dropped out due to lack of fees as his parents are of lowly means. He urges the court to conduct public education to inform other members of the society of the seriousness of defilement cases and the dire consequences that would befall them should they be found on the wrong side of the law.
2. Having considered all the above mitigations and the fact that the appellant was a first offender, there is no justification whatsoever for one to defile a child. I however note the remorse by the appellant and his clarion call to the court to educate the public on the dangers of engaging into sexual relations with minors.
3. I hereby exercise discretion and set aside the minimum mandatory sentence of twenty (20) years imprisonment imposed on the appellant and I resentence the appellant Emmanuel Kimani Taifa to serve ten (10) years imprisonment taking into count the provisions of section 333(2) of the Criminal Procedure Code on the period that he spent in custody upon being arrested on November 21, 2020. Should he be of good character and behaviour in prison, he stands a chance to benefit from remission



so that he can be useful to the society in educating them on the risks and dangers of engaging not only in SGBV cases but in any other form of criminality.

4. I so order.
5. File closed.

DATED, SIGNED AND DELIVERED AT SIAYA, THIS 24TH DAY OF OCTOBER 2022

R E ABURILI

JUDGE

