

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NANYUKI

CRIMINAL APPEAL NO 115 OF 2017

JAMES MURIUNGI MATUMBI.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

(Appeal from original Sentence dated 10/07/2017 in Nanyuki CM Sexual Offence Case No.30 of 2015 – W.J. Gichimu, PM)

J U D G M E N T

1. The Appellant herein **JAMES MURIUNGI MATUMBI** was convicted after trial of **rape** contrary to **section 3(1) (a) & (3)** of the **Sexual Offences Act, 2006**. On 10/07/2017 he was sentenced to serve fifteen (15) years imprisonment. He has appealed only against the sentence; he stated to this court on a number of occasions that he was satisfied with the conviction.
2. The Appellant was a boda-boda rider. He took the complainant and her husband to hospital on his motor-bike taxi. After treatment of the complainant, the complainant's husband paid the Appellant fare to take the complainant back home while he set off to travel to Embu.
3. On the way the Appellant diverted into a forest where, under threat of death, he violently raped the complainant.
4. There is probably no greater violation of a woman's humanity, honour, dignity and self-worth than rape, particularly where it is accompanied by violence. That is why the law takes such a serious view of the offence; the offence carries a minimum term of imprisonment of 10 years and a maximum of life imprisonment.
5. The Appellant got fifteen (15) years imprisonment, and he richly deserved it. Not only did he breach the trust bestowed upon him by the complainant and her husband; the rape was accompanied by physical violence. He showed no remorse after conviction.
6. I do not find that the sentence was manifestly harsh or excessive; it was not. This court has no reason to interfere.
7. There is no merit in this appeal against sentence. It is hereby dismissed. It is so ordered.

DATED AND SIGNED AT NANYUKI THIS 29TH DAY OF SEPTEMBER 2020

H P G WAWERU

JUDGE

DELIVERED AT NANYUKI THIS 22ND DAY OF OCTOBER 2020