

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISII

CORAM: D.S MAJANJA J.

CRIMINAL APPEAL NO. 41 OF 2017

BETWEEN

JACKSON KIPKURUI LANGAT.....APPELLANT

AND

REPUBLIC.....RESPONDENT

(Appeal from the original conviction and sentence of Hon. B. Ochieng’– PM dated 25th May 2012 at the Principal Magistrate’s Court at Kilgoris in Criminal Case No.664 of 2011)

JUDGMENT

1. The appellant, JACKSON KIPKURUI LANGAT, was charged and convicted of the offence of defilement contrary to **section 8(1) and (4) of the Sexual Offences Act, (‘the Act’)**. The particulars of the offence were that;

Between 4th July 2011 and 27th July 2011 at around 4.00pm at [particulars withheld] of Transmara East District within Narok County, he intentionally caused his penis to penetrate the vagina of SC a child aged 15 years.

2. The appellant was sentenced to 15 years imprisonment. He now appeals against the sentence only. He contends that the sentence is harsh and excessive and that he has now been rehabilitated and should be allowed to go free.

3. The sentence of imprisonment under section 3 of the Act is mandatory and is subject to a minimum of 15 years imprisonment. The accused was duly sentenced and there being no error on the record, I cannot interfere with the mandatory minimum sentence.

4. The appeal is now dismissed.

Dated and delivered at Kisii this 15th day of March 2019.

D.S MAJANJA

JUDGE

Mr. Otieno, Senior Prosecution Counsel, instructed by Office of Director of Prosecutions.

Appellant in person.