



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NANYUKI
CRIMINAL APPEAL NO. 175 OF 2015

ANDI LESA KUL.....APPELLANT

Versus

REPUBLICRESPONDENT

(Being an appeal from the original conviction and sentence in Nanyuki Chief Magistrate’s Court Criminal Case No. 124 of 2015 by Hon. T. Matheka Chief Magistrate on 11th September 2015).

JUDGMENT

1. **ANDI LESA KUL** was convicted before the Chief Magistrate’s Court Nanyuki with the **offence of committing indecent Act with a child Contrary to Section 11 (1) of the Sexual Offences Act.**

He was sentenced to serve 10 years imprisonment. He now appeal only against that sentence.

2. The appeal was opposed by the Principal Prosecution Counsel Mr Tanui on the basis that the trial court sentenced the appellant to the minimum sentence permitted for the offence.

3. The appellant requested that this court be merciful and order his release from custody.

4. As stated before appellant was convicted of the offence of committing indecent act with a child. The child in question was 10 years old. Section 11 (1) of the Sexual Offences Act is in the following terms:

“Any person who commits an indecent act with a child is guilty of the offence of committing an indecent act with a child and is liable upon conviction to imprisonment for a term of not less than ten years.

5. It is clear that the Learned trial Magistrate did not act on wrong principles when she sentenced appellant to 10 years imprisonment. **It follows that the appellant’s appeal against sentence has no merit and is dismissed. The trial court’s sentence is confirmed.**

Dated and Delivered at Nanyuki this 24th day of May 2017.

MARY KASANGO

JUDGE

CORAM:

Before Justice Mary Kasango

Court Assistant – Njue/Maria Stella

Appellant: Andi Lesakul ...

For the State:

COURT

Judgment delivered in open court.

MARY KASANGO

JUDGE