



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MARSABIT**  
**CRIMINAL APPEAL NO.18 OF 2015**

AKOLONG LORIBA .....1<sup>ST</sup> APPELLANT

ALIMLIM EKAI.....2<sup>ND</sup> APPELLANT

**VERSUS**

**REPUBLIC ..... RESPONDENT**

*(From the original conviction and sentence in Criminal Case No.109 of 2012 of the Principal Magistrate's Court at Marsabit by S.O Mogute –Principal Magistrate)*

**JUDGMENT**

**AKOLONG LORIBA** and **ALIMLIM EKAI**, Appellants herein, were charged with an Offence of child prostitution contrary to section 15 (1) (a) of the Sexual Offences Act No.3 of 2006.

The particulars of the offence were that on diverse dates between 11<sup>th</sup> and 22<sup>nd</sup> March 2012 at [Particulars withheld] village in Loiyangalani District of Eastern Province, jointly with another not before court, knowingly permitted P L E, a child aged about 16 years to remain in the house of Akolong Loribo for the purposes of causing such a child to be sexually abused.

The appellants pleaded guilty and were convicted and sentenced to serve 10 years imprisonment each. They have appealed against both conviction and sentence.

Both Appellants contended that they did not plead guilty and that the sentence was harsh. Their contention is not supported by the record.

The state opposed the appeal and was represented by Mr. Motende, the learned counsel.

Section 348 of the Criminal Procedure Code which provides as follows:

**“No appeal shall be allowed in the case of an accused person who has pleaded guilty and has been convicted on that plea by a subordinate court, except as to the extent or legality of the sentence”**

Having found that both Appellants pleaded guilty to the charge my remaining task will be check if the sentence meted out was illegal.

Section 15 (1) (a) of the Sexual Offences Act states:

**“Any person who—**

**(a) knowingly permits any child to remain in any premises, for the**

**purposes of causing such child to be sexually abused or to participate in any form of sexual activity or in any obscene or indecent exhibition or show;**

**(b)**

**(c)**

**(d)**

**(e)**

**(f)**

**(g)**

**commits the offence of benefiting from child prostitution and is liable upon conviction to imprisonment for a term of not less than ten years”**

The Appellants were sentenced to the minimum sentence provided by the law. There was no illegality in the same.

It is abundantly clear that the appeal by both appellants lacks merit. The same is dismissed. I accordingly uphold the conviction and the sentence meted by the trial court.

**DATED at Marsabit this 25th day of November 2015**

**KIARIE WAWERU KIARIE**

**JUDGE**