

210/2013

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MACHAKOS

CRIMINAL REVISION NO. 620 OF 2013

B M M.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

ORDER ON REVIEW

1. This case has been placed before me pursuant to the provisions of **Section 186(f)** of the **Children’s Act, 2001 (the Act)** for purposes of review.
2. The **section** alluded to provides thus:-

“Every child accused of having infringed any law shall:-

If found guilty, have the decisions and any measures imposed in consequence thereof reviewed by a higher court.”

3. **B M M** was charged with the offence of **defilement** contrary to **Section 8(1) and (2)** of the **Sexual Offences Act No. 3 of 2006**. Particulars of the offence being that on the **8th day of October 2013** at *[particulars withheld]* **Village, Kyakatoni sub-location, Ilima Location in Kilungu District** within **Makueni County** intentionally committed an act which caused penetration into the genital organ of **M M**, a child aged eleven years
4. According to a **Birth Certificate No. [particulars withheld]**, **B M** son of **J M M** was born on the **28th April, 1998**. At the time of commission of the offence he was **15 years old**. Therefore he was a child per the definition in the **Children’s Act (vide Section 2 of the Act)**.
5. Having duly reviewed the proceedings and the decision reached by the Trial Court, it is apparent that the learned trial magistrate complied with the provisions of **Section 186** of the **Act**. Having satisfied itself of the act of having committed the offence of the child as required by **Section 191(1)** of the **Act**, the Court made a **Probation Order** thereto. In the premises the court complied with the law.
6. It is so ordered.

DATED, SIGNED and DELIVERED at MACHAKOS this 17TH day of FEBRUARY 2014

L.N. MUTENDE

JUDGE