



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT MACHAKOS**

**CRIMINAL APPEAL NO. 133 "C" OF 2009**

**SINENE LOITOO.....APPELLANT**

**VERSUS**

**REPUBLIC .....RESPONDENT**

*(Being an appeal from the original conviction and sentence in Kitui Principal Magistrate's Court Criminal Case No. 741 of 2009 by Hon. W.N. Kaberia, SRM on 8/7/2009)*

**JUDGMENT**

1. The appellant, **Sinene Loitoo** was charged with the offence of defilement of a girl contrary to **Section 8(3) of the Sexual Offences Act, 2006**. He was sentenced to serve **20 years** imprisonment.
2. Being dissatisfied by the conviction and sentence thereof he lodged an appeal. However when the case come up for hearing he abandoned the appeal against the conviction and mitigated on sentence. His grounds of mitigation were as follows:-
  - i. **That** he is remorseful and he promised not to engage in criminal activities.
  - ii. **That** he had participated in the theological studies, peer education, guiding and counselling and vocational training courses hence rehabilitated.
  - iii. **That** he promises to be a role model and to participate in national guiding.
3. The appeal was opposed by the State. Having been sentenced to the minimum prescribed sentence for the offence provided by the provision of Law I have no reason to interfere with it. I therefore affirm the sentence imposed. The appeal is dismissed.

**DATED, DELIVERED and SIGNED this 23RD day of MARCH, 2014.**

**L.N. MUTENDE**

**JUDGE**