

Being an appeal on sentence, this court can only interfere where the trial court in assessing the sentence acted on wrong principles or imposed a sentence which was manifestly inadequate or manifestly excessive (**see, Diego Vs. Rep. (1985)KLR 621.**)

The appellant was charged under section 8 (1) of the Sexual Offences Act read together with section 86 (2) of the same Act.

Whereas section 8 (1) defines the offence known as defilement, section 8 (2) prescribes the sentence of life imprisonment for a person who commits such offence with a child aged eleven (11) years or less.

Herein, the child victim was aged two (2) years and eight (8) months, a fact which was not disputed and was in any event, established by the necessary age assessment report (P. Ex. 1)

The trial court imposed a sentence which was lawful in terms of section 8 (2) of the Sexual Offences Act which is prescribed in mandatory terms.

This appeal is therefore devoid of merit and is hereby dismissed.

[Delivered and signed this 29th day of May, 2014.]

J.R. KARANJA.

JUDGE.