



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT MERU**  
**CRIMINAL APPEAL NO. 33 OF 2013**

*LESIIT, J*

**SILAS MUTEMBEI MUKINDIA.....APPELLANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**JUDGMENT**

1. The Appellant **SILAS MUTEMBEI MUKINDIA** is charged with causing an indecent act contrary to section 6(a) of the Sexual Offences Act. He was found guilty, convicted and sentenced to 5 years imprisonment. Being aggrieved by the conviction and sentence he filed this appeal.
2. The Appellant has withdrawn his appeal against the conviction and urged that he is not pursuing same. He urged that he was challenging the sentence. The Appellant submitted that he was newly married when he was sentenced for this offence. He urged that while in prison he underwent a Tailoring Course Grade 1 and II. He also urged that he has contracted T.B. and ulcers since his incarceration. He urged the court to reduce his sentence.
3. The state was represented by Mr. Jalson Makori. The learned Prosecution Counsel did not oppose the appeal but left the matter for the court to decide.
4. The Appellant wishes to challenge his sentence only. He was convicted of an offence under section 6(a) of the Sexual Offences Act (SOA). A person convicted of an offence under that section is liable to imprisonment for a period not less than five years.
5. The Appellant was sentenced to the minimum sentence under Section 6(a) of the SOA. Being the minimum, the sentence cannot be varied to bring down the period of sentence from the one ordered by the court. In the circumstances the Appellants appeal against sentence has no merit and the same is accordingly dismissed.

**DATED SIGNED AND DELIVERED THIS 29<sup>TH</sup> DAY OF MAY 2014**

**LESIIT J**

**JUDGE**