



**IN THE HIGH COURT OF KENYA**

**CRIMINAL APPEAL NO. 5 OF 2012**

**JOSEPH KABERIA ..... APPELLANT**

**REPUBLIC .....RESPONDENT**

**JUDGEMENT**

The appellant pleaded guilty to the charge of rape and was convicted and sentenced to 20 years imprisonment on 20<sup>th</sup> December, 2011.

**My lord I have three(3) young children and my aged mother of whom I am their breadwinner.**

- 3. My younger sister is a H.I.V. victim and is also under my care.**
4. When the matter came up for hearing, the appellant urged the court to reduce his sentence. He urged that he was remorseful for the offence and that he had served one year of his sentence.

The Appellant was convicted of Rape contrary to section 3(1) as read with S.3(3) of the Sexual Offences Act. A person convicted of such offence is liable to imprisonment for a period not less than 10 years. He was sentenced to 20 years. That is double the minimum sentence recommended.

**DATED, SIGNED AND DELIVERED AT MERU THIS 20<sup>th</sup> DAY OF JUNE 2013.**

**JUDGE**