

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

CRIMINAL APPEAL NO. 71 OF 2012

**(Being an Appeal Against the Original Conviction and Sentence by the Honourable J.Kwena ,
Senior Principal Magistrate at**

Bomet in Criminal Case No. 29 of 2012 in the Judgment Delivered on 9.10.2012)

HILLARY KIPKOECH NGETICH.....APPELLANT

-VERSUS-

REPUBLIC.....RESPONDENT

(Before Hon. Justice Byram Ongaya Thursday 24th October, 2013)

JUDGMENT

The appellant is Hillary Kipkoech Ngetich. He was charged with the offence of defilement contrary to section 8(1) as read with section 8(2) of the Sexual Offences Act No.3 of 2006. He was convicted as charged upon his own plea of guilty and sentenced to life imprisonment.

The appellant has appealed against the conviction and sentence. To urge his case, he submitted to this court as follows:

- a. The village elders and the police officers misled him to plead guilty to the offence.
- b. He prayed for leniency and did not know the harsh consequences of committing the offence and pleading guilty as charged.
- c. He served as a casual worker in the home of the complainant and there were differences leading to the charges.

Counsel for the respondent Mrs. Muthee submitted that the appellant committed the offence as charged as it was clear that he committed the offence because he repeatedly told the trial court he committed the offence and the prosecution proved the case beyond any reasonable doubt.

This court has considered the submissions and perused the record of the trial court. There is no reasonable doubt that the appellant committed the offence. The proceedings were in Kipsigis language that the appellant understood. The appellant confessed before the trial court more than once that he had committed the offence.

Accordingly, the appeal is dismissed, the conviction is upheld and the appellant shall serve life imprisonment as sentenced by the honourable trial court.

Signed, dated and delivered in court at Kericho this Thursday, 24th October, 2013.

BYRAM ONGAYA

JUDGE