



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT EMBU
CRIMINAL APPEAL NUMBER 10 OF 2012

PETER MURIMI WACHIRA..... APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

(Being an appeal from the original conviction and sentence in Embu Criminal Case No. 48 of 2012 by M.W. Wachira C.M on 18th January, 2012)

JUDGMENT

The appellant was convicted on his own plea of guilty to the offence of defilement contrary to section 8(1) as read with Section 8(2) of the Sexual Offences Act. He was sentenced to serve life in prison. During the reading of facts at the subordinate court, the examination report of the appellant indicated that he looks, “mentally deficient.”. This report ought to have alerted the magistrate to carry out an inquiry whether in fact, the appellant was able to plead and/or understand the charges he was facing.

In the circumstances, the conviction and sentence are quashed. The appellant shall be retried before any other magistrate.

D.A.S MAJANJA

JUDGE

17.10.13

Court:

Judgment read and delivered in open court this 17th day of October, 2013

D.A.S MAJANJA

JUDGE

17.10.2013

In the presence of

Mr Njogu for state

Appellant

Njue – Court clerk

FURTHER ORDER:

As the appellant is on bond, he shall remain on bond and shall appear before the Magistrate's court in Embu on 31.10.13 to plead to the charges and further or other bond terms may be imposed by that court.

D.A.S MAJANJA

JUDGE

17.10.2013