

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

CRIMINAL APPEAL NO. 28 OF 2013

(Being an Appeal Against the Original Conviction and Sentence by the Honourable J. Kasam, Acting Senior Resident Magistrate at Sotik in Criminal Case No. 37 of 2013 in the Judgment Delivered on 1.07.2013)

**RICHARD KIPNGETICH CHERUIYOT ALIAS
FELIX.....APPELLANT**

-VERSUS-REPUBLIC.....RESPONDENT

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

JUDGMENT

The appellant is Richard Kipngetich Cheruiyot Alias Felix. He was charged with the offence of rape contrary to section 7 of the Sexual Offences Act No. 3 of 2006. In alternative, he was charged with the offence of indecent acts with a child contrary to section 11(1) of the Act. He was convicted as charged in the main count upon his own plea of guilty and sentenced to 20 years imprisonment.

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

“I went to the complainant’s house. The mother started screaming. She brought C. I also started screaming. I was arrested. I was not examined by a doctor. I pray for forgiveness. I will not be able to serve for term of imprisonment. That is all. I committed the offence and am remorseful. That is all.”

This court has considered the submission and perused the record of the trial court. There is no doubt that the appellant 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