

REPUBLIC OF KENYA

High Court at Mombasa

Criminal Appeal 429 of 2010

PETER MUSYOKA MUTINDAAPPELLANT

VERSUS

REPUBLIC RESPONDENT

(From the Original Conviction and Sentence in the Criminal Case No. 2808 of 2010 of the Chief Magistrate's Court at Mombasa – Ole Tanchu – SRM)

JUDGMENT

The appellant was Convicted and Sentenced to a term of ten years imprisonment for the offence of attempted defilement contrary to section 9 (1) as read together with section 9(2) of the Sexual offences Act. He pleaded guilty to charge and was Convicted on his own plea. He now appeals against the Sentence only.

Section 9(2) of the Sexual offences Act which is the punitive section provides for a term of not less than ten years. The term of ten years is the minimum Sentence and the Court does not have powers to interfere.

This appeal has no merit and it is dismissed.

Judgment dated and delivered in open Court this **27th** day of **November, 2012**.

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M. MUYA
JUDGE

In the presence of:-

Mr. Tanui for the State

The appellant himself

Court clerk - Musundi