



**REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT KERICHO
Criminal Revision 1 of 2010**

1. Criminal Law
2. Revision
Further ruling to the question was the applicant a minor at the time of Plea?
3. **Held**
 - i) Whereas report confirms. The skeletal age according to the radiographic atlas of skeletal development of the hand wrist by W.W. Grenlich and S.I. Pyle is 19 years old.
 - ii) The applicant was an adult at time offence of defilement was committed.
 - iii) Revision rejected.
4. **Case Law**
 - a) **Aden V R 1973 E.A**
5. In person

WELDON KIPLANGAT BETTAPPLICANT
VERSUS
REPUBLICRESPONDENT

FURTHER RULING

NO. 2

1. The question that arose in the original ruling on this revision matter is whether the applicant was a minor at the time the offence was committed being Defilement of a girl contrary to **Section 8 (1)** as read with **Section 84** of the Sexual Offence Act.
2. This court ordered that an age assessment be carried out. I have now a report that discloses by a letter of 15th February, 2010 that the applicants age assessment according to the radiographic atlas of Skeletal Development of the hand wrist by W.W. Grenlich and S.I. Pyle as assessed by Dr. Ogato at Nakuru is 19 years old.
3. The offence occurred on the 21st December, 2009. The plea taken on 23rd December, 2009 where the applicant admitted his age being 18 years old.
4. My further ruling on this revision matter is that the applicant being an adult, he does not qualify for the privileges of a minor.
5. The revision application is hereby rejected and dismissed.

DATED this 16th day of February, 2010 at **KERICHO**

M.A. ANG'AWA
JUDGE