

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAKURU
CRIMINAL APPEAL NO. 197 OF 2010

(From original conviction and sentence in criminal case No. 103 of 2009 of the Senior Resident Magistrate's Court at Maralal - M. K. Nyarango {SRM})

LOLDEPE LENANGERI.....

.....**APPELLANT**

VERSUS

REPUBLIC.....

.....**RESPONDENT**

JUDGMENT

The Appellant was charged with the offence of defilement of a child contrary to Section 8(1) as read with Section 8(2) of the Sexual Offences Act, 2006. The Appellant pleaded guilty to the offence, and in mitigation said "*it is the devil who made me do such an act.*"

Although he appealed to this court on four grounds, his appeal because he pleaded guilty, can only be considered on two grounds, namely, the legality and extent of the sentence under Section 348 of the Criminal Procedure Code (*Cap. 75, Laws of Kenya*) .

The punishment for the offence of defilement of a child aged eleven years or less upon conviction, is life imprisonment. The Appellant was sentenced to twenty-five years. That was an illegal sentence. It is set aside, and in lieu thereof, the Appellant is sentenced to life imprisonment to commence from the date of his sentence by the lower court. Save as aforesaid the appeal herein is dismissed.

Dated, signed and delivered at Nakuru this 25th day of November 2010

M. J. ANYARA EMUKULE
JUDGE