

KAKAMI MURUMBA APPELLANT

VERSUS

REPUBLIC RESPONDENT

JUDGMENT

The Accused was charged with the offence of Defilement

of a girl contrary to Section 8 (2) of the Sexual Offences Act No. 3 of 2006.

The facts given were that on the 25th February, 2008 at K[particulars withheld]down Village in Keiyo District of the Rift Valley Province unlawfully defiled D.R.K. a girl aged four (4) years old.

The Accused was also charged with the alternative charge of indecent assault on a female contrary to Section 11(1) of the said Act.

The Accused pleaded guilty to the charge and admitted the facts. In mitigation he said that he was drunk. He was convicted and sentenced to twenty (20) years imprisonment. He has appealed against the sentence. He asserts that the sentence is harsh and excessive.

I have considered the appeal against sentence. The minor was only four (4) years old. The Appellant is an elderly man of sound mind.

Drunkardness cannot be a defence to such heinous, brutal and vile offence. In the circumstances, the sentence is permitted by law and the Court exercised its discretion properly.

I see no merits in the appeal. It is hereby dismissed.

DATED AND DELIVERED AT ELDORET ON THIS 30TH DAY OF APRIL, 2009.

M. K. IBRAHIM

JUDGE

In the presence of:

Mr. Omutelema for the State

Appellant in person