



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

Criminal Appeal 232 of 2008

OLOTOISHE LORANGAI.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

JUDGMENT

The court has considered the appellant's appeal which is in the nature of mitigation. The conviction itself is not challenged, which means that the appellant accepts that he was properly convicted on sound grounds and that the trial court neither erred nor misdirected itself in so doing.

Considering that the sentence of 20 years imprisonment is a minimum sentence prescribed under **section 8(3) of the Sexual Offences Act**, I have no discretion in that regard and my hands are tied. As clearly held in the case of **JOHNSON MUIRURI vs. R [1983] KLR 445** a minimum sentence cannot be challenged as harsh or excessive. In the circumstances I have no option but to dismiss the appeal which I hereby do. The appellant shall serve his sentence.

Orders accordingly.

Dated, signed and delivered this 5<sup>th</sup> day of June, 2009

M. G. MUGO

JUDGE