

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KISII

CRIMINAL APPEAL NO.44 OF 2003

(From original conviction and sentence of the SRM's court at Nyamira in criminal case No.1 of 2003.)

ERICK MONGARE MUMI APPELLANT
VERSUS
REPUBLIC ... RESPONDENT

JUDGMENT:

There was ample and credible evidence that the girl child was sexually assaulted. The only issue with which the court had to grapple was that of corroboration: this being a sexual offence combined with the fact that the witnesses whose evidence implicated the appellant in the commission of the same offence were children of tender years. But they knew the appellant and immediately mentioned the name of the appellant to the grandmother Priscah Kerubo (PW1). In my view there was ample and good evidence justifying the conviction.

But to me the sentence of 14 years imprisonment for a first offender is totally excessive.

I reduce it to 7 years imprisonment and 4 strokes. It is ordered accordingly.

DATED AND DELIVERED ON THE 30TH OF MAY 2003

I.C.C. WAMBILYANGAH
JUDGE