



REPUBLIC OF KENYA



**KENYA LAW**  
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**Wanjala v Republic (Criminal Appeal E062 of 2024)  
[2025] KEHC 9925 (KLR) (10 July 2025) (Judgment)**

Neutral citation: [2025] KEHC 9925 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KITALE  
CRIMINAL APPEAL E062 OF 2024**

**RK LIMO, J**

**JULY 10, 2025**

**BETWEEN**

**STEPHEN WAFULA WANJALA ..... APPELLANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**JUDGMENT**

1. Stephen Wafula Wanjala, the appellant herein was charged with the offence of defilement contrary to section 8(1) as read with section 8(3) of the [Sexual Offences Act](#) No.3 of 2006 vide Kitale CM's Court Sexual Offence No.E038 of 2024. The particulars of the offence are that on 5/3/2024 at Kiminini Sub Location within Trans Nzoia County, the appellant intentionally caused his penis to penetrate the vagina of M.M.W a child aged 14 years.
2. The appellant denied committing the offence and the prosecution presented 4 witnesses to prove their case. The appellant on the other hand defended himself by simply denying committing the offence. The trial court upon evaluation of evidence tendered found that the prosecution had proved its case beyond reasonable doubt and convicted the appellant. He was sentenced to serve 20 years due to the nature and gravity of the offence.
3. The appellant felt aggrieved and filed this appeal raising four grounds which basically challenged the grounds for conviction and severity of the sentence.
4. However at the hearing of this appeal, the appellant abandoned the grounds on conviction and instead asked for leniency stating that the sentence imposed by the trial court was harsh.
5. The State opposed the appellant's contention pointing out that the Statute upon which the appellant was charged prescribes a minimum sentence which tied the hands of the trial court upon rendering a conviction.



6. As observed above the appellant was charged with the offence of defilement contrary to section 8(1) as read with section 8(3) of the *Sexual Offences Act*. Section 8(3) provides that anyone found guilty of defiling a minor of less than 15 years shall be sentenced to serve a minimum of not less than 20 years. The victim in this instance was aged 14 years. That fact was proved beyond reasonable doubt by P3 Form tendered as Pexhibit 3 and birth certificate tendered as Pexhibit 1. The appellant has not contested the age of the complainant in this appeal.
7. In the premises this court, despite pleas from the appellant for leniency, finds that its hands are tied by the Statute and given the directions given by the Supreme Court in the case of Francis Kirioko Muruatetu and Anor this court finds that its hands are tied and there is nothing it can do. This appeal therefore fails and the sentence meted out is upheld.

**DELIVERED, DATED AND SIGNED AT KITALE THIS 10<sup>TH</sup> DAY OF JULY, 2025.**

**HON JUSTICE R.K. LIMO**

**KITALE HIGH COURT**

Judgment delivered in open court

In the presence of;

Mr Korir for the State

Stephen Wafula Wanjala – the appellant

Duke/Chemosop – court assistants

