



**Parkolwa v Republic (Criminal Revision E001 of 2024)
[2024] KEHC 2439 (KLR) (11 March 2024) (Ruling)**

Neutral citation: [2024] KEHC 2439 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KABARNET
CRIMINAL REVISION E001 OF 2024
RB NGETICH, J
MARCH 11, 2024**

BETWEEN

MENELIK BILLY PARKOLWA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant was charged with the offence of defilement contrary to section 8(1) as read with section 8(3) of the Sexual Offences Act. The particulars of the charge were that on the date of 27th July 2021 at 1500 hrs in Baringo South Sub-County within Baringo County, intentionally caused his penis to penetrate the vagina of SN a child aged 14 years.
2. The Alternative charge was the offence of committing an indecent act with a child contrary to section 11(1) of the Sexual Offences Act. The particulars of the charge were that on the date of 27th July 2021 at 1500 hrs in Baringo South Sub-County within Baringo County, intentionally touched the vagina, breast and buttocks of SN a child aged 14 years with his hands.
3. I have considered the application to have period served in remand computed in the sentence imposed by trial court. However, upon perusal of the lower court file, I note that the trial while sentencing the applicant noted that the minimum sentence for the offence the applicant was charged with is 20 years and taking into consideration the period served in remand, the trial magistrate reduced the sentence to 18 years imprisonment. She was clear that from 20 years she was reducing the period served in remand to come up with 18 years and taking into consideration other factors, she further reduced the period down to 15 years. In view of the above, period served in remand was taken into consideration as provided under section 333(2) of the Criminal Procedure Code.
4. In respect to prayer to have sentences in the 2 offences run concurrently, I am inclined to allow the prayer. Sentence in file No. E007/2022 and E307/2022 to run concurrently.



RULING DELIVERED, DATED AND SIGNED VIRTUALLY AT KABARNET THIS 11TH DAY OF MARCH 2024.

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RACHEL NGETICH

JUDGE

In the presence of :

- Applicant present.
- Ms Ratemo for State.
- Kibet, Court Assistant.

