



**JL v Republic (Criminal Appeal E027 of 2022)
[2023] KEHC 19728 (KLR) (6 July 2023) (Judgment)**

Neutral citation: [2023] KEHC 19728 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KABARNET
CRIMINAL APPEAL E027 OF 2022**

RB NGETICH, J

JULY 6, 2023

BETWEEN

JL APPELLANT

AND

REPUBLIC RESPONDENT

JUDGMENT

1. The appellant JL was charged with the offence of incest contrary to section 20 (1) of the *Sexual Offences Act* No 3 of 2016. Particulars are that on April 15, 2020 at about 2300 Hrs in Mogotio Sub-County within Baringo County, willfully and unlawfully caused his penis to penetrate the vagina of MAL
2. The appellant pleaded guilty to the charge. He was found guilty, convicted and sentence to 15 years imprisonment. The appellant abandoned appeal on conviction and prayed that the sentence imposed be reduced.
3. I take note of the fact that section 20 (2) of the Sexual Offence Act provides for a minimum sentence of 10 years. In his application, the appellant seeks forgiveness and regrets committing the offence. He indicated that his family and relatives have forgiven him and have been visiting him in prison.
4. In view of the above, I hereby set aside the sentence of 15 years imprisonment imposed by the trial court and sentence accused to 10 years imprisonment.

JUDGMENT delivered, dated and signed Virtually at **Kabarnet**

This 6th Day of July 2023.

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RACHEL NGETICH

JUDGE



In the presence of:

Mr. Kemboi - Court Assistant.

Ms. Ratemo for state.

Appellant present.

