



REPUBLIC OF KENYA  
IN THE COURT OF APPEAL  
AT MOMBASA  
(CORAM: OMOLO, LAKHA & O'KUBASU, J.J.A.)  
CRIMINAL APPEAL NO. 74 OF 2000

BETWEEN

**RUWA NZAI.....APPELLANT**

AND

**REPUBLIC.....RESPONDENT**

(Appeal from a Judgment of the High Court of Kenya at  
Mombasa (Mr. Justice Waki) dated 5th March, 1999

in

H.C.CR.A. NO. 267 OF 1996)

\*\*\*\*\*

JUDGMENT OF THE COURT:

The appellant's plea to this Court is really one for mercy. In his memorandum of appeal, he merely sets out what he calls 'MITIGATION.' The sentence was severe but we think it was eminently deserved in the circumstances of the case. The appellant sexually molested the young daughter of his woman friend of eight years and once the court below was satisfied that he did so, the sentence was bound to be severe.

Even if we thought the sentence was harsh and excessive, which we do not, we would have no power to interfere. We dismiss the appeal and that shall be our order.

**Dated and delivered at Mombasa this 23rd day of January, 2001.**

R.S.C. OMOLO

.....

JUDGE OF APPEAL

A.A. LAKHA

.....

JUDGE OF APPEAL

E. O'KUBASU

.....

JUDGE OF APPEAL

I certify that this is a true copy of the original.

DEPUTY REGISTRAR