



**Bett v Republic (Criminal Appeal E034 of 2021)
[2024] KEHC 1919 (KLR) (26 February 2024) (Judgment)**

Neutral citation: [2024] KEHC 1919 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
CRIMINAL APPEAL E034 OF 2021
JR KARANJA, J
FEBRUARY 26, 2024**

BETWEEN

ROBERT KIPKOECH BETT APPELLANT

AND

REPUBLIC RESPONDENT

JUDGMENT

1. The appeal is on sentence, in which case the appellant was required to satisfy this court that the sentence imposed upon him by the trial court was unlawful or/was harsh and excessive in the circumstances of the case.
2. In that regard the appellant has not shown that the sentence was unlawful and indeed is not unlawful considering that the offence carried a mandatory minimum sentence of life imprisonment which on the basis of recent jurisprudence with regard to mandatory sentence of life imprisonment may now be considered to be harsh and excessive regard being given to the circumstances of the case.
3. Herein the child victim was only eleven (11) years and was known to the appellant whom she had met at a church. She went to borrow Kshs.10/= from him. He however, took advantage of her and after serving her the food he had cooked decided to sexually assault her. Such were serious circumstances calling for a deterrent sentence. However, considering that he was a first offender and remorseful for what he did, the sentence of forty (40) years imprisonment was rather excessive in the circumstances and is hereby reduced to twenty (20) years imprisonment. It is to that extent that the appeal succeeds.

Ordered accordingly.

[DATED AND DELIVERED THIS 26TH DAY OF FEBRUARY, 2024.]

J. R KARANJAH

JUDGE

