



**REPUBLIC OF KENYA
IN THE COURT OF APPEAL OF KENYA
AT NAKURU
Criminal Appeal 67 of 1994**

SINGOEI SITINEI.....APPELLANT

AND

REPUBLIC.....RESPONDENT

(Appeal from a conviction and sentence of the High Court of Kenya at Eldoret (Mr. Justice Aganyanya) dated 20th August 1993

IN

H.C.CR.A. NO. 123 OF 1993)

JUDGMENT OF THE COURT

This is the second appeal from the judgment and orders of the Senior Principal Magistrate sitting at Eldoret (R.M. Mutitu) dated 13th May, 1993.

The appellant was convicted on his own plea of guilty on the offence of defilement of a young girl aged 3 years contrary to Section 145(1) of the Penal Code. He was sentenced to Eight (8) years imprisonment together with seven (7) strokes of the cane. The offence carries maximum of life imprisonment with hard labour.

The plea of guilty was unequivocal and therefore the appellant had no right of appeal against conviction. So the appeal against conviction has no merit. We hereby dismiss it.

With regard to the appellant's appeal against sentence this Court, sitting as it is on second appeal, it has no jurisdiction to interfere with the sentence imposed by Senior Principal Magistrate and the appeal rejected summarily by the Superior Court. The appeal against sentence also fails and it is hereby dismissed.

Dated and delivered at Nakuru this 27th day of September 1997

R.O. KWACH

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JUDGE OF APPEAL

M.G. MULI

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JUDGE OF APPEAL

P.K. TUNOI

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JUDGE OF APPEAL

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

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