

**THE REPUBLIC OF UGANDA  
IN THE COURT OF APPEAL OF UGANDA  
CRIMINAL APPEAL No.0676 OF 2015  
[Coram: Egonda-Ntende, Bamugemereire & Mugenyi JJA]**

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**NDUNGI RAULENSIO ::::::::::::::::::::::::::::::: APPELLANT**

**VERSUS**

**UGANDA ::::::::::::::::::::::::::::::: RESPONDENT**

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*(Appeal from the decision of Simon Byabakama Mugenyi J in High  
Criminal Session No. 88 of 2009 dated 24<sup>th</sup> of September 2013)*

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*Criminal Law- Aggravated Defilement C/s 129 and 4(a) of the  
Penal Code Act- Own plea of guilt -Appeal against Sentence  
only - Harsh and excessive sentence.*

**JUDGMENT OF THE COURT**

**Introduction**

**Ndungu Raulensio**, the Appellant, was found guilty of the  
offence of Aggravated Defilement, contrary to sections 129  
20 and 4(a) of the Penal Code Act Cap 120. The court  
consequently sentenced him to 22 years of imprisonment.

**Background**

On September 18<sup>th</sup>, 2011, Katwesige Florence entrusted her  
25 3-year-old daughter, RK, to the care of her elder sister and  
grandmother while she went to Kabwoya market. Later that  
day, around 6:00 pm, RK's aunt dispatched her to retrieve a  
knife from their residence. While enroute, she crossed paths  
with the appellant who got her by the hand and took her to a  
30 bush and laid her down and performed a sexual act on her.  
The perpetrator was 38 years of age. Following the crime, the