



REPUBLIC OF KENYA



**Wanjara v Republic (Criminal Revision E011 of 2022)
[2022] KEHC 12830 (KLR) (8 August 2022) (Ruling)**

Neutral citation: [2022] KEHC 12830 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CRIMINAL REVISION E011 OF 2022
RE ABURILI, J
AUGUST 8, 2022**

BETWEEN

KELVIN WANJARA APPLICANT

AND

REPUBLIC RESPONDENT

*(Being an Application for revision of sentence, arising from conviction
and sentence in Ukwala PM's Court in Criminal Case No. 521 of
2020 on 12/5/2021 by Hon. C.I. Agutu, Senior Resident Magistrate)*

RULING

1. The convict Kelvin Wanjara was convicted and sentenced to serve one year imprisonment with no option of a fine on 15/5/2022 for the offence of trafficking in narcotic drugs contrary to section 4(a) of the [Narcotic Drugs and Psychotropic substances Control Act](#) No 4 of 1994. This was after a full trial.
2. The value of the narcotics being trafficked was Kshs 128,000 being 256 rolls of cannabis.
3. The convict is aged 27 years old. He is a boda boda rider and is married with young children. He is reported to be remorseful and is hardworking at the prisons farm since his incarceration. He is a first offender.
4. The community speaks positively of his character save for this case.
5. He is the sole breadwinner for his family which is said to be suffering. He is willing to perform community service at Nanderema chief's camp. The probation officer recommends him for community service order.
6. Having considered all the above mitigating factors for the convict, and in the spirit of prison decongestion as the convict has served 2 months of the 12 months imprisonment imposed, I hereby order that the convict Kelvin Wanjara shall be released from prison custody forthwith to perform



unpaid community service at Nanderema chief's office and camp for eight (8) months from date of release and he shall be closely supervised by the area Chief.

7. Orders accordingly.

8. File closed.

DATED, SIGNED AND DELIVERED AT SIAYA THIS 8TH DAY OF AUGUST, 2022

R.E. ABURILI

JUDGE

