



REPUBLIC OF KENYA



**Mwaluma v State (Criminal Revision E003 of 2020)  
[2021] KEHC 9814 (KLR) (12 February 2021) (Ruling)**

Neutral citation: [2021] KEHC 9814 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT VOI  
CRIMINAL REVISION E003 OF 2020  
JN ONYIEGO, J  
FEBRUARY 12, 2021**

**BETWEEN**

**ANTHONY MWALUMA ..... APPLICANT**

**AND**

**STATE ..... RESPONDENT**

*(Being an application for revision of conviction and sentence delivered by Hon E Nyakundi Resident Magistrate Wundanyi Law Courts on June 18, 2020.)*

**RULING**

1. The appellant was charged before Hon E Nyakundi Resident Magistrate Wundanyi Law Courts of the offence of being in possession of *cannabis sativa* contrary to section 3(1) as read out with section 3 (2) of the *Narcotic Drugs And Psychotropic Substances (Control) Act* No 4 of 1994 in that he was found with 699 grams of *cannabis sativa* with a street value of 700/=
2. Having pleaded guilty to the charge, he was convicted and sentenced to 3 years imprisonment on June 18, 2020. Aggrieved by the sentence, the appellant filed an application for revision of the same.
3. The undated revision letter addressed to the Resident Judge pleads for leniency claiming that the sentence was harsh and excessive; that he has reformed; that he is the sole breadwinner to his family and, that he is remorseful.
4. During the hearing, he reiterated the same grounds. Ms Mukangu opposed the application stating that the appellant has three previous convictions on similar charges and that he was not remorseful.
5. I have considered the application, grounds cited for revision and the response thereto by the state. From the record, the court did consider the probation officer's report dated June 18, 2020 which described the appellant as a jail bird whom the community does not want as he is notorious in selling bhang.



6. I have looked at the probation report and the previous record which the appellant does not dispute. From the record, the appellant does not seem to reform or change. His previous conduct speaks volumes and it actually stinks of a person hell bent to destroy the whole community by selling bhang. He does not deserve leniency. I have no reason to interfere with the sentence imposed. Accordingly, the application for revision is dismissed. Appellant to continue serving his sentence.

**DATED, SIGNED AND DELIVERED THIS 12<sup>TH</sup> DAY OF FEBRUARY 2021**

**JN ONYIEGO**

**JUDGE**

