

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT GARSEN

HCCRA No. 30 OF 2016

ROSELYN GAKIL.....APPELLANT

-VERSUS-

REPUBLIC.....RESPONDENT

(An Appeal from the conviction and sentence of 3 years imprisonment in addition to a fine of 1 million Kenya Shillings on 21st April, 2016 at Lamu Law Courts)

JUDGEMENT

1. I find that this Appeal was conceded by the Respondent on the ground that there was contradiction in the Prosecution evidence and further that Section 86 of the Narcotic Drugs and Psychotropic Substances control Act No. 4 of 1994 was not complied with.

2. I accordingly allow the appeal and set aside both conviction and sentence.

3. I further Order that the Appellant be set free forthwith unless lawfully held for any other reasons.

Due to the security situation at Hindi Prison, the appellant could not be availed to court for this judgment which has been long pending and the judgment is now delivered on this 28th day of February, 2018 in the absence of the Appellant.

_____ for the Appellant.

Mr. Kasyoka for the Respondent

Order to issue accordingly.

ASENATH ONGERI

JUDGE.