



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KIAMBU

CRIMINAL APPEAL NO: 8 OF 2016

[From Original Conviction and Sentence in Criminal Case No: 7002 of 2015 of the Chief Magistrate's Court at Thika]

VINCENT THUKU KARIUKI.....APPELLANT

V E R S U S

REPUBLIC.....RESPONDENT

J U D G M E N T

1. This is a judgment of the **Criminal Appeal No. 8 of 2016**. The appellant **VINCENT THUKU KARIUKI** was the accused person in a lower court at **Muranga**. He was charged for being in possession of narcotic drugs (**Bhang**) contrary to **Section 3 (1) (2) (a)** of The Narcotic Drugs and Psychotropic substances Act **No. 4 of 1994**.

The particulars thereof were that on the **7th day of December, 2015** at around **18.30** hours in **Umoja Estate Thika West** Sub-county was found in possession of **100 rolls** of Bhang of street value Ksh.3,000/= which was not in its medical prescription form. That was count **I**.

Count **II**, he was charged: Being in possession of Narcotic Drugs (**Bhang**) contrary to **Section 310 (2) (a)** of the Narcotic Drugs and Psychotropic Substances Control Act **No. 4 of 1994**.

Particulars thereof were that on the **7th day of December, 2015** at around **18.30** hours in **Umoja Estate, Thika West** Sub-county within **Kiambu** County was found in possession of **11Kg** and **35 rolls** of Bhang of street value Ksh. 2050/= which was not in its medical prescription form.

Count III

Being in possession of Narcotic Drugs (Bhang) contrary to **Section 3 (1) (2) (a)** of the Narcotic Drugs and Psychotropic Substances Control Act **No: 4 of 1994**.

Particulars thereof were that on the **7th day of December, 2015** at **Umoja Estate, Thika West** Sub-county, within **Kiambu** County was found being in possession of **3Kg** and **30 rolls** of street value Ksh. 3,900 which was not in its medical prescription form.

2. The appellant pleaded guilty to all the **three** counts. He was duly convicted and sentenced to serve (7) years imprisonment.

3. The Appeal

Being aggrieved and dissatisfied he has appealed against the sentence of (7) years. He is unrepresented.

He filed several grounds of appeal filed on **10th February, 2016**

4. SUBMISSIONS

1. By the appellant.

However, on the day for hearing, he abandoned those grounds and asked for **REVIEW** of the **SENTENCE OF (7) YEARS ONLY**. Without submitting the support thereof, he asked the court to review the said sentence.

2. By the Respondent Madam Muthei, submitting:

The appellant pleaded guilty.

The trial magistrate was lenient to him and meted out only (7) years imprisonment.

Even on page 10 of the bundle, the trial noted that the accused was a Drug dealer and this offence is very serious particularly in this region and a deterrent sentence is therefore called for. He took into account the number of rolls of bhang they had Vis-a-vis the number of persons with Bhang.

The appellant seeks review, seeks leniency.

The offence is a serious one.

The lower court would have meted out much more serious offence, but instead meted out (7) years, instead of a much higher sentence.

This court, however, will in its mercy, considering that by pleading guilty, saved the court's time, reduce your sentence further to five (5) years only.

5. Orders accordingly.

JUDGMENT WRITTEN AND SIGNED BY:

C. B. NAGILLAH

JUDGE

JUDGMENT DELIVERED, DATED AND COUNTERSIGNED IN KIAMBU BY: THIS 18TH DAY OF MAY 2017

JOEL NGUGI

JUDGE

In the Presence of:

.....the Appellant

.....for Respondent

.....for Court Assistant