



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT MOMBASA**

**CRIMINAL APPEAL NO. 46 OF 2013**

**SULEIMAN OSMAN JUMA.....APPELLANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**(From original Conviction and Sentence in Criminal Case No. 1984 of 2011 of the**

**Chief Magistrate's Court at Mombasa – Hon. Gandani - SPM)**

**JUDGMENT**

The Appellant above mentioned was Convicted and Sentenced to ten (10) years imprisonment on each of the two Counts of Trafficking in Narcotic drugs contrary to section 4(1) of the Narcotic drugs Act No. 44 of 1994.

The particulars are that:-

***“On the 19th day of June, 2011 at Ndono market in Mombasa County he trafficked in Narcotic drugs to wit forty eight (48) sachets of Heroin with a street value of Ksh. 14,400/= by way of selling, in contravention of the said Act. In the 2nd Count he was Convicted for the trafficking one tablet of Ronynpol with a street value of Ksh. 30/=”.***

This appeal is in respect of the Sentence meted out on the Appellant.

The grounds are that he has greatly benefited from Guidance and Counseling programmes at the correctional institution, training in the carpentry and joinery section and acquired skills that will enable him face the challenges of life.

Section 4 of the narcotics drugs and Psychotropic Substances Control Act provides for penalty for trafficking thus,

***“Any person who traffics in any Narcotic drug or Psychotropic substance or any substance represented or held out by him to be a Narcotic drug or substance shall be guilty of an offence and liable (a) in respect of any narcotic drug or Psychotropic substance to a fine of one million shillings or three times the market value of the Narcotic drug or substance whichever is the greater and in addition, to imprisonment for life”.***

In the present case the appellant was Sentenced to ten (10) years imprisonment. He was not Sentenced to

a fine of Ksh. 1 million. This was a lenient Sentence and I find no good grounds to interfere. The appeal has no merit and its dismissed.

The Conviction and Sentence are upheld.

Judgment delivered dated and signed in open Court this **18th** day of **March, 2015**.

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**M. MUYA**

**JUDGE**

**18TH MARCH, 2015**

*In the presence of:-*

State prosecutor miss Ogweno

The appellant in person

Court clerk Musundi