



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT MOMBASA**  
**CRIMINAL APPEAL NO. 58 OF 2010**

LILIAN NGINA LELE..... APPELLANT

VERSUS

REPUBLIC .....RESPONDENT

(From the Original Conviction and Sentence in Criminal case No. 328 of 2010 Senior Resident Magistrate's Court Mombasa– **Hon. Ondieki - SRM**)

**JUDGMENT**

Lilian Ngina Lele hereinafter referred to as the Appellant was Convicted and Sentenced to a fine of Ksh. 300,000/= in default ten (10) years imprisonment for the offence of being in possession of narcotic drugs contrary to section 3(1) as read with section 2(b) of the narcotics and psychotropic substances control Act No. 4 of 1994.

The particulars being that on the 25th day of January, 2010 at about 11:20 am at Mwembe Tayari market in Mombasa County, jointly, with another not before the Court was found in possession of two sachets of heroin with a street value of Ksh. 400/= in contravention of the said Act.

The Accused pleaded guilty to the charge and was convicted and sentenced upon plea.

Her main ground of appeal is that the trial magistrate did not comply with the provisions of section 169 of the Criminal Procedure Code.

Section 169 provides,

**“Every Judgment shall except as otherwise expressly provided by this code, be written by or under the direction of the presiding officer of the Court in the language of the Court and shall contain the point or points for determination, the decision thereon, and the reasons for the decision and shall be dated and signed by the presiding officer in open Court at the time of pronouncing it”.**

In the present case, there was no judgment written and delivered as the Appellant pleaded guilty to the charge and was convicted upon entering plea. The appellant was sentenced to a fine of Ksh. 300,00/= in default ten years. The sentence was not harsh or excessive. I find no good reason to disturb the Conviction and Sentence.

The appeal has no merit and it is rejected/dismissed.

Judgment delivered dated and signed this **11th** day of **December, 2013**

.....

**M. MUYA**

**JUDGE**

**11TH DECEMBER, 2013**

**In the presence of:-**

Learned State Counsel Mr. Ayodo

The Appellant present

Court clerk Musundi