



**REPUBLIC OF KENYA**

**IN THE HIGH COURT**

**AT NAIROBI**

**MILIMANI LAW COURTS**

**Criminal Appeal 413 of 2010**

**REPUBLIC .....RESPONDENT**

**VERSUS**

**QUAYE NII KORLEY.....APPELLANT**

**JUDGMENT**

The appellant was charged with the offence of trafficking in narcotic drugs contrary to Section 4 (a) of Narcotic Drugs and Psychotropic Substances Control Act No. 4 of 1994. After a full trial he was convicted and sentenced to pay a fine of Kshs. 10,320,000/= in default to serve 12 months imprisonment and in addition to serve 20 years imprisonment.

Although his petition of appeal filed on 23<sup>rd</sup> July, 2010 addressed both the conviction and sentence, when the appellant appeared for the hearing of his appeal he indicated his appeal is against sentence only. He told the court that he is very remorseful, he is a first offender and that even in his country he did not commit any offence. He has now reflected on his position for the period he has spent in prison, and now asks the court to reduce his sentence and substitute it with a deportation order to his country Ghana.

There is no doubt that the offence for which the appellant was convicted is serious and the learned trial magistrate addressed this in her note on sentence. The sentence provided under the section in which the appellant was charged, is a fine of one million shillings or three times the market value of the Narcotic drug whichever is greater and in addition to imprisonment for life.

This is a reflection of the seriousness with which the law considers offences of this nature. Whereas it may be true that this court has the discretion to interfere with the sentence handed down by the trial court, going by the provisions I have just read, one would agree that the sentence imposed by the learned trial magistrate was within the limits. Indeed, the appellant is lucky not to have been sentenced to life imprisonment. I am unable therefore to interfere with the sentence imposed by the learned trial magistrate and therefore dismiss this appeal.

Orders accordingly.

Dated and delivered at Nairobi this 12<sup>th</sup> day of June, 2012.

**A. MBOGHOLI MSAGHA**  
**JUDGE**