

REPUBLIC OF KENYA

High Court at Kisumu

Criminal Appeal 42 of 2012

JAIRO AJULO AUKIAPPELLANT

VERSUS

REPUBLICRESPONDENT

**From original conviction and sentence in Criminal Case number 291 of 2012 of the
Principal Magistrate's Court at Maseno – Mr. J. Ongondo Esq)**

RULING

I have perused the probation report dated 16th November 2012. The same is favourable towards the appellant. I am however alive to the fact that the abuse of narcotic substance is prevalent nowadays and it needs to be deterred.

For the reasons and the mitigation by the appellant and with the hope that having spent time in jail he must have learned his lesson and thus ready to reform I shall set aside the sentence imposed by the trial court and order that the appellant shall serve a non custodial sentence in a form of probation for a period of (twelve) 12 months from the date of this Ruling.

Orders accordingly.

Dated, signed and delivered at Kisumu this 26th day of November 2012

**H. K. CHEMITEI
JUDGE**

In the presence of:

Mr. Meroka for State Counsel

In person Appellant

HKC/aa0