



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MOMBASA

CRIMINAL APPEAL NO. 118 OF 2010

(From Original Conviction and Sentence in Criminal Case No. 514 of 2010 of the Chief Magistrate's Court at Mombasa: R. Kirui – P.M.)

MULI MUTIE APPELLANT

VERSUS

REPUBLIC RESPONDENT

JUDGEMENT

I have considered the submissions of counsel. A sentence of 3 years for 1 roll of bhang is indeed excessive. The Appellant was sentenced in February 2010 and has now served about eight (8) months in prison. In my view this is sufficient punishment for his offence. He has no doubt learnt his lesson. Sentence of 3 years is hereby set aside and is substituted with time served. Appellant to be set at liberty unless he is otherwise lawfully held.

Dated and Delivered in Mombasa this 25th day of October 2010.

**M. ODERO
JUDGE**

Read in open court in the presence of:-
Mr. Kenzi for Appellant
Mr. Muteti for State

**M. ODERO
JUDGE
25/10/2010**