



**REPUBLIC OF KENYA  
IN THE HIGH COURT OF KENYA  
OF KISII**

**Criminal Appeal 88 of 2007**

**CONJELO OTIENO OGIDI ..... APPELLANT**

**VERSUS**

**REPUBLIC ..... RESPONDENT**

**(From original conviction and sentence in the Principal Magistrate's Court**

**Kehancho Criminal Case No.1083 of 2006 by M. K. K. SEREM, SRM)**

**JUDGMENT**

The appellant was convicted on his own plea of guilty to a charge of trafficking in Narcotic Drugs contrary to **Section 4(1)** of the Narcotic Drugs and Psychotropic Substances Control Act No.4 of 1994. The appellant was carrying 280 rolls of bhang in a bag when he was arrested on 28<sup>th</sup> November, 2006.

The appellant was sentenced to five years' imprisonment. In his appeal he urged the court to reduce the jail term. **Mr. Kemo, Principal State Counsel**, opposed the appeal saying that the quantity of the drugs involved clearly demonstrated that it was for commercial purposes.

I agree with Mr. Kemo. I do not find the sentence of the five years' imprisonment to be harsh for such a serious offence. The appeal is without merit and I dismiss the same.

**DATED, SIGNED and DELIVERED at KISII this 28<sup>th</sup> Day of October, 2008.**

**D. MUSINGA.**

**JUDGE.**

Delivered in the open court in the presence of:

N/A for the appellant.

Mr. Kemo, Principal State Counsel for the Republic

**D. MUSINGA**

**JUDGE.**